



Notice of a public meeting of

Planning Committee

- To:** Councillors Horton (Chair), Cunningham-Cross, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Williams and Wiseman
- Date:** Thursday, 25 April 2013
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 5 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on **21st March 2013**.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is **Wednesday 24th April 2013 5pm**.

Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning applications:

a) Germany Beck Site, East Of Fordlands Road, York (12/00384/REMM).
(Pages 11 - 62)

A reserved matters application by Persimmon Homes and Hogg The Builder for details of appearance, landscaping, layout and scale of 655 dwellings and associated facilities granted under outline permission 01/01315/OUT.[Fulford Ward] [*Site Visit*].

b) North Selby Mine, New Road, Deighton, York, YO19 6EZ
(12/03385/FULM). (Pages 63 - 132)

A major full application by Mr. Richard Barker for the demolition of existing buildings and the re-profiling of bunds and areas of the former mine, construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse and associated infrastructure and works. [Wheldrake Ward] [*Site Visit*].

5. Appeal Performance Update Report (Pages 133 - 152)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 31st March 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

6. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact Details:

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- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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- Business of the meeting
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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

Tuesday 23rd April 2013.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:45	Low Moor Avenue, Fulford (for Germany Beck site)	4a
13:10	School Lane, Fulford (for Germany Beck site)	
14:00	Site Entrance, New Road, North Selby Mine.	4b

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	21 MARCH 2013
PRESENT	COUNCILLORS HORTON (CHAIR), CUNNINGHAM-CROSS, GALVIN (VICE- CHAIR), BOYCE, BURTON, CUTHBERTSON (SUBSTITUTE), D'AGORNE, DOUGHTY, FIRTH, KING, MCILVEEN, REID, RICHES, SIMPSON- LAING, WILLIAMS AND WISEMAN
APOLOGIES	COUNCILLORS AYRE

41. INSPECTION OF SITES

Site	Reason for Visit	Members Attended
The Tannery, Strensall, York (12/03149/FULM)	To enable Members familiarise themselves with the site	Cllrs Boyce, Doughty, Galvin, Horton and Reid.

42. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Williams declared a personal non prejudicial interest as an employee of Yorkshire Water as they had requested a condition in relation to item 4a The Tannery.

Councillor Wiseman declared a personal non-prejudicial interest in respect of item 4a The Tannery, as Ward Councillor.

Councillor Doughty declared a personal non-prejudicial interest in respect of item 4a The Tannery, as Ward Councillor.

43. MINUTES

RESOLVED: That the minutes of the last Planning Committee held on 21st February 2013 be approved and signed by the Chair as a correct record.

44. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Councils Public Participation Scheme.

45. PLANS LIST

Members considered a report of the Assistant Director (City Development and Sustainability) relating to the following planning application, which outlined the proposal and relevant planning considerations and set out the views of the consultees and officers.

45a The Tannery, Sheriff Hutton Road, Strensall, York (12/03149/FULM).

Members considered a major full application by Mr Paul Butler for a residential development of 53 dwellings with associated public open space, access, infrastructure and pedestrian and cycle bridge over the River Foss.

Officers circulated an update to the Committee report, full details of which are attached to the online agenda for this meeting. The update covered the following points:

- Details of affordable housing.
- Comments from the Councils Communities and Culture and Conservation Officers.
- Comments from various organisations including English Heritage and Ramblers Association.
- Comments from Strensall Parish Council.
- Revisions to Conditions 6, 7 and 37
- Additional conditions for consideration.

Members queried with Officers the funding through the Section 106 agreement relating to the bus real time BLISS display and whether this could be a flexible condition, in particular regarding location. Officers confirmed they had taken advice from Highways regarding what the funding could be spent on but further discussion could take place if required.

The Applicant, Paul Butler, had registered to speak in support of the application. He advised that he will be delivering a scheme at a site that is considered to be an eyesore and if approval is given, workers can be onsite within weeks with a view to delivering some new homes by the end of 2013. Strensall Parish Council are in support of the scheme and welcome a derelict site being brought into use. 50 direct jobs would be created with a further 100 indirect jobs. The development would support the Primary School in the village and generate income for business in the locality.

Mr. Chapman spoke on behalf of Strensall Parish Council. He advised that the Parish Council supports the development and had been in discussions with the developer since 2012. There had been concerns regarding play provision which had yet to be resolved but this did not stop them supporting the application. He asked if further consideration could be given to the location of the 30mph sign as the Parish Council feel it should be located further out to before the cemetery.

Members questioned a number of points including:

- Members asked Mr. Chapman if the Parish Council had any suggestions for the provision of play space. He advised that the Parish Council would like all children in the village to benefit from any facility and they would not like to see any provision limited to just the application site.
- Queried the materials to be used as some Members felt the shade of red brick in the drawings was too bright.

Following further discussion it was:

RESOLVED: Delegated Authority to Approve subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act and subject to the following conditions and any additional conditions required following the submission of further information.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of residential development, design and visual appearance, impact to the conservation area and the listed bridge, boundary treatment, retention of the existing trees and hedges, residential amenity of occupants of the proposed houses, neighbouring amenity, highways, drainage, sustainability, open space and education provision, and landscaping. As such the proposal complies with Policies GP1, GP3, GP4a, GP9, GP15a, NE2, NE8, HE2, HE3, HE4, HE11, T2a, T4, T5, T7c, T13a, T18, H2a, H4a, E3b, ED4, and L1c of the City of York Development Control Local Plan and guidance within the National Planning Policy Framework.

46. LAND BETWEEN PARK AND RIDE AND MALTON ROAD, HUNTINGTON, YORK (13/00017/FULM).

Members considered a major full application by Oakgate (Monks Cross) Ltd for re-profiling works to create grassed soil mounds to an area of agricultural land to the north of Malton Rpoad and west of Martello Way in Huntington.

Officers reported that they had no further updates to the committee report.

A member queried if the work was in order to remove soil from the approved Monks Cross South retail site. Officers confirmed that the application was in order to move soil but to keep it as close to the Monks Cross South site as possible.

Following further discussion it was:

RESOLVED: That the application be approved.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the

conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Visual Impact including on the openness of the Green Belt
- Recreational opportunities
- Drainage
- Ecology

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GP1, GP9, NE1, L1d, and GP15a of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].

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COMMITTEE REPORT

Date:
Team: Major and Commercial Team
Ward: Fulford
Parish: Fulford Parish Council

Reference: 12/00384/REMM
Application at: Germany Beck Site East Of Fordlands Road York
For: Reserved matters application for details of appearance, landscaping, layout and scale of 655 dwellings and associated facilities granted under outline permission 01/01315/OUT
By: Persimmon Homes And Hogg The Builder
Application Type: Major Reserved Matters Application (13w)
Target Date: 3 May 2012
Recommendation: Approve

1.0 PROPOSAL**SUMMARY**

1.1 This application seeks reserved matters approval for the residential development by Persimmon Homes and Hogg the Buildings of land south of Fulford, which was approved at outline stage by the Secretary of State in 2007. It covers the siting, design and external appearance of the buildings and the landscaping of the area. Means of access is not reserved and was granted consent under the outline approval. Updates to the Environmental Impact Assessment submitted with the outline application have been received with regards air quality, archaeology and cultural heritage, ecology and landscape and visual amenity. The reserved matters details and the further information to support the EIA have been considered. The application has been publicised and the comments received taken into consideration. Revisions have been made to the scheme in light of the responses and in discussion with relevant CYC officers. The further information to the Environmental Statement is considered to be sufficient to allow the LPA to assess the likely environmental impacts of the development and to generally comply with the outline planning permission. The reserved matters details are, on balance, acceptable in planning terms. As such, it is recommended for approval subject to conditions.

SITE

1.2 The application relates to an area of relatively flat land approximately 32.56 hectares, located to the south of the City and on the outskirts of the main urban area. It comprises agricultural land in the main. There are various trees and hedgerows within and enclosing the site. It is bounded to the north by Fulford School and housing, to the east by Mitchell's Lane and open fields, to the south by

open fields, Fulford Cemetery and the Fordlands Road housing estate and to the west by the existing housing of Fulford.

1.3 The historical village settlement of Fulford is a designated conservation area that extends along the A19 immediately south of the village. The site abuts the conservation area at its western boundary and the western extreme of the site falls within it. The northern part of the site lies within Flood Zone 1 (low probability), with the southern half falling within Flood Zones 2 (medium probability) and 3 (high probability).

SITE HISTORY

1.4 Outline planning approval (ref. 01/01315/OUT) was granted by the Secretary of State on 9 May 2007 for residential development of the site for approximately 700 dwellings on land to the west of Mitchell's Lane, Fulford. This followed a public inquiry held in 2006 to consider development of the land in question for residential purposes. The outline approval established the principle of residential development of the land for approximately 700 dwellings with the means of access, the creation of open space and community facilities and associated engineering works and landscaping being agreed. Details of siting, design and external appearance of the buildings and landscaping of the area were reserved for later approval (referred to as "reserved matters"). The outline approval was conditional on an application for approval of all reserved matters being made not later than five years from the date of approval (condition 1). The current reserved matters application was submitted within this set time period.

1.5 Conditions 3 and 5 of the outline planning permission set out the requirements for these reserved matters applications. In particular, condition 3 requires the reserved matters to generally conform with the information and details set out in the Updated Development Principles Report (as amended on 13 June 2006). Other conditions of approval relating to the reserved matters, landscaping works, open space, nature park, archaeology, environmental protection, flooding and drainage, design and layout, highways and transport and materials.

PROPOSAL

1.6 The application seeks approval for all remaining reserved matters for the whole site. The reserved matters include the siting, design and external appearance of the buildings and the landscaping of the area. Means of access is not reserved and was granted consent under the outline approval.

1.7 The number of units proposed is 655 comprising a mix of house size and type split into 6 areas (phases) across a developable area of 16.6 hectares. The density of development across the site equates to 39 units per hectare. Of the 655

dwellings proposed, 26 are bungalows, 553 houses and 76 apartments. Houses range from two to three storey and have been designed to meet Lifetime Homes Standards. The houses would be divided into three housing character areas: High Street with a Heritage Range, Rural Edge with a Rural Range and Village Quarters with a Classic or Contemporary design. All would have a private amenity space and allocated parking provision, whether in a garage, parking court or on-street. A contemporary design approach has been adopted for the three to four storey apartment buildings, which would have access roof terraces and balconies and would have vehicle and parking provision to the rear of the buildings. Visitor parking spaces and ten car club spaces are accommodated across the site. Two play areas are proposed within the scheme, one in the central area by the apartments and one to the eastern end of the site.

1.8 A Design and Character Study has been submitted as a written justification for the design approach taken for the development in accordance with condition 5 of the outline consent. It comprises a masterplan context, a character area assessment and a development cell assessment. It identifies the key themes and principles of the UDPR, develops design parameters for each character area and demonstrates how each development cell responds to its context.

1.9 The application is accompanied by a Planning Statement, a Statement of Crime Prevention (as required by condition 30 of the outline consent), a Tree Survey and EcoHomes Pre-assessment Report (as required by condition 5 of the outline consent), a Heritage Statement and a Record of Stakeholder Involvement.

1.10 Following discussions and negotiation with the applicant, revisions have been made to the scheme since submission. The changes relate to:

- revising the layout of roads, footpaths and cycleways with the aim of reducing vehicle speeds and improving permeability and visual interest;
- amending the external appearance of buildings to strengthen the character areas and improve the sense of identity and legibility within the site;
- redesigning and repositioning of parking spaces and courts to improve surveillance and sense of ownership;
- improving the relationship between the development and existing public rights of way and proposed greenways/spaces, in terms of natural surveillance and quality of space;
- ensuring compliance with outline conditions for stand-off distances to existing housing areas;
- re-design of apartments to visually reduce the height and improve their relationship with adjacent properties;
- strengthen focal points and boundary treatments.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.11 The reserved matters application is considered to be a subsequent application in relation to Schedule 2 development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council requested a review of the Environmental Statement in accordance with Regulation 8 with regards the following chapters considered relevant to the reserved matters: cultural heritage and archaeology, air quality, landscape and visual amenity. A further review was requested with regards the ecology chapter following the discovery of a bat roost at the Fordlands Nursing Home, which is adjacent to the site on its western boundary. Updates to the Environmental Statement in these regards have been submitted to support the application.

COMMUNITY PARTICIPATION

Public exhibitions

1.12 The applicant has submitted a Record of Stakeholder Involvement that outlines the steps taken prior to submission of the application to engage with the local community. A series of formal and informal measures were adopted, informed by the requirements of the Council's Statement of Community Involvement and advice from officers. These included making documents available for inspection within Fulford at its library and within the Pavilion Hotel between 12 December 2011 and 16 January 2012, a dedicated website, adverts in the York Press on 2 December 2011 and 3 January 2012, a leaflet drop on 2 January 2012 to every household and shop in the Fulford Ward, a public exhibition held on 9 December 2011, one to one meetings with CYC officers and North Yorkshire Police, areas forums (see below) and meetings with the Parish Councils and appointed Planning Sub-Committee and Village Design Group.

Germany Beck Community Forum

1.13 The Germany Beck Development Brief (2001) and Section 106 Agreement both emphasised the need to engage with the former community consultation group, and suggested establishing a Site Liaison Group/ Liaison Advisory Committee (LAC) within 3 months of commencement of development.

1.14 The Germany Beck consultation group previously established for the masterplanning of the site through the outline planning application was reconvened as the Germany Beck Community Forum, and new members added to represent local residents and organisations.

1.15 The group met six times between 14th December 2011 and 1st February 2012. A separate sub group from the outline application will also be reconvened to specifically progress issues of sport and recreation (first meeting 7th March 2012).

1.16 The Forum was chaired by Cllr Keith Aspden, Fulford Ward Councillor, with representation from the following interests: Fulford Parish Council (x3); Resident reps (x7); Fishergate Ward Councillor; Fulford Residents Association; Fulford in Bloom; Fulford Village Design Statement; St. Oswald's CE Primary School; Fulford School; Persimmon Homes; Hogg The Builder; and, CYC Officers.

1.17 The developer presented the scheme and ongoing amendments at each meeting and structured feedback was given. Pre-application consultation responses were shared with the group, as well as guidance on planning conditions, Section 106 Agreement triggers, Development Management, Highways and Air Quality matters.

1.18 The Forum has been a key liaison and consultation mechanism with the local community, the development team and CYC, and is envisaged to continue to consider issues relating to relevant pre-commencement and later conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Schools GMS Constraints: Fulford 0246

2.2 Policies:

CYGP1 -Design

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYHE10 - Archaeology

CYHE3 - Conservation Areas

CYGP4B - Air Quality

CYNE6 - Species protected by law

CYNE7 - Habitat protection and creation

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

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PUBLICITY

3.1 This application was first publicised by means of a press advert and the posting of ten site notices in streets around the site. Consultation letters were sent to immediate neighbours and Fulford Parish Council. Letters were also sent to Heslington Parish Council and Fishergate Planning Panel. Relevant internal and external consultees were notified.

3.2 Following the submission of revised plans and documents, further consultation was undertaken. This has involved notification letters to all parties who had previously expressed an interest as well as to internal and external statutory consultees and those with an adjoining boundary. The consultation period expires on 17.4.2013.

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.3 Comments have been made through the course of the application with regard to the highway safety in terms of road design, permeability, hierarchy of routes, vehicle speeds, parking provision, turning and quality of environment. Further changes were required to the revised drawings submitted in September 2012. The officer gave general comments with regards: the use of shared space and more traditional highway layout, which needed to be revised and agreed in accordance with specific comments made; the colour and type of highway materials; final tracking for refuse vehicles based on revised highway layout. Specifically, comments were given on the required repositioning of parking spaces and garages and required revisions to the adoptable highway areas. Members will be updated at Committee with regards to the latest revised plans.

ENVIRONMENT PROTECTION UNIT

3.4 States that at outline planning permission (01/01315/OUT) a number of conditions were placed on the planning inspectorate approval in relation to environmental matters. The applicant should be reminded of his obligations to comply with the outline planning permission. These include construction management details, on-site investigation and an environment management plan. The unit highlights the Council's Low Emissions Strategy (October 2012) and requests an informative about electrical recharge points.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.5 Considers that the applicant has carried out an extensive and reasonable archaeological evaluation as represented in the successive phases of archaeological work carried out on this site. This evaluation process has provided sufficient information to make a recommendation on the acceptability of the impact this application might have on archaeological features, deposits and the possible site of the Battle of Fulford.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION)

3.6 Comments have been made throughout the detailed development of the scheme. Formal comments on design and conservation issues have been summarised in memos dated 16th May and 28th November 2012. The following comments review the latest revised drawings (covered by memo dated 14th Feb 2013) in relation previously identified issues:

3.7 Access Road: The access road was approved prior to the conservation area being extended to the south. Conditions 30 & 31 cover detailed development of the highway, including the new link road from the A19. It is most important that the detailed highway scheme drawings are developed to mitigate their impact on landscape, ecology and other valued characteristics of the existing environment (Conservation Area Appraisal Oct 2008 paras 5.18 & 5.20 for reference to 2006 Inquiry). The developers have committed to retaining the older section of the existing bridge arch under the raised highway and to providing interpretation.

3.8 Abutment with conservation area: The broader public route and new high brick walls enclosing gardens adjacent to the route are welcomed. The proposed low brick wall with railings on top (900mm +300mm) does not respond to comments. It would be insecure and too urban. Requests a condition to require the brick wall to continue at lower level (1.35 min) instead to help to control the territory of the cul-de-sac whilst allowing some surveillance over the wall.

3.9 Urban blocks and permeability: The revisions have made some improvements to permeability and enclosure to help preserve the integrity of the urban blocks and enclosure onto the main street. Where routes through the blocks still combine with driveways and forecourts further landscape has been introduced to reduce gaps and mark territory. There should be further enhancement at the openings to the parking courts to signal that these are semi-private zones. Requests a condition to cover this.

3.10 Character Areas and building types: There is no change to the previous comments which recognise that a variety of house types have been used in four different ways to signify the different roles of the streets. Minor changes of detail have been made to standard house-builder types to enhance their vernacular appearance. Architectural ambition has been limited by the developers expressed desire to work with their standard house types. The bleak architecture of the central section has been improved to provide a better relationship between the flats and the shared open space, however it could be refined further to reduce the extent of render and strengthen the vertical hierarchy. Developing details around the windows and removing lower solid panels would enhance the appearance. Requests condition to require large scale details to address these points.

3.11 Summary: Considering the constraints imposed by using standard house types within a previously determined outline layout for a large residential suburb, the developers have succeeded in creating a people-friendly environment with spatial and formal variety and good connectivity. The layout is most successful where greenways and other landscape spaces create variety and mark special areas within the development.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.12 Detailed comments were made during the course of the reserved matters application with regards the landscaping details and tree survey. The final comments to the latest proposals are as follows:

3.13 Changes and additions could be made to the detailed planting plans in order to improve the immediate aesthetics and quality of the development. There are areas where planting could be stronger, more consistent and more practical. There must be absolute clarity about which (if any) public open spaces are to be adopted. It would be a bonus if the main linear open space were to include incidental elements/informal play equipment that encourage natural play along its length.

3.14 A number of units have been moved/removed in order to avoid direct loss of the trees along the northern boundary with the school. The distance between dwellings and trees means that the tree roots could be adequately protected during

construction, however, they are still closer than is desirable because they are extremely likely to result in pressure upon the Council to reduce the trees in the future due to their size, seasonal fall, and shade in summer months. A distance of 20m would be preferable, though this would affect layout and property numbers.

3.16 The change in detail of the enclosures to rear parking courts is welcomed, but it would benefit from a more attractive paving detail and climbers to soften the blank appearance. Need further details of surfacing materials.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.17 Satisfied with the proposals as they relate to nature conservation. The work that will be carried out on the beck side and to Germany Beck SINC will largely be beneficial to nature conservation and the landscape within the development itself will provide additional conservation benefits.

3.18 With regards bats, requested further survey work to take account of the discovery of bats in the adjacent Fordlands Care Homes. Considers that the further bat survey as part of the EIA revisit does not throw up any major issues with the development. However remained concerned with the potential impact of the road alignment at its junction with the A19, which was not addressed well in the bat report. The survey indicated that there is significant bat activity in this area. The construction of the road will remove the majority of the vegetation of interest to foraging bats. This in itself may not be significant, however, its value as a commuter route through to the Ouse corridor does need to be considered. Is aware that the detailed road design is part of a specific highways agreement, and that full planning permission already exists for this part of the scheme.

3.19 In response to the latest information in the revised report, no further new survey data has been collected as no surveys could be carried out during the winter, but the report does provide significantly more information and does take account of additional survey data provided both with regard to the roost found at the Fordlands Nursing Home and supplied by MAB on behalf of Fulford Parish Council. It identifies a moderate pipistrelle bat roost immediately adjacent to the site, presumed as a maternity roost and the additional information confirms that the Germany Beck is a foraging corridor, used by a number of species of bats. States any further data would only serve to confirm what is already known. This, combined with the fact that any trees in which there is the possibility of a bat roost in the area are on the side of the river not directly affected by the works, means that it is not considered reasonable to require further information at this time. Does not consider it necessary to require survey data for the rest of the site which is largely open arable land with limited foraging or commuting opportunities.

3.20 The report has correctly identified the likely impacts proposed by the development and established a proposed scheme of mitigation. This is largely acceptable with, amongst other things :-

- i. The retention of a significant corridor of trees along the line of the beck, including the retention of the majority of the trees with roost capabilities;
- ii. The provision of a combination of quick growing and longer maturing replacement habitat to retain a reasonable semblance of corridor for bats;
- iii. Lighting control for the road;
- iv. Substantial habitat enhancement along the length of the Beck and within the development.

3.21 For the most part, the measures proposed within the report are acceptable and, if implemented, should provide a measure of compensatory habitat that will, as it matures, provide an enhanced habitat for bats. Highlights concern about the location of the proposed 'hop-over' points, which would require bats from the known bat roost at Fordlands to follow a new alignment opposite to the likely route. Consideration should be given to provide a temporary hop-over close to Fordlands to provide a more direct link across to the Germany Beck corridor. With additional consideration of this, the measures proposed will, if implemented, provide an acceptable level of mitigation. This can be secured by the provision of an overall mitigation plan that includes working methods etc during the construction phase.

3.22 Does not consider that there is any justification for further work associated with great crested newt, water vole or harvest mouse.

FLOOD RISK MANAGEMENT

3.23 No objections to the scheme in principle.

3.24 With regards the requirement for further information, it is considered that the flood risk mitigation measures required by the conditions attached to the outline planning approval and included in the Section 106 Agreement, are sufficient to address the environmental impacts of the development with regards to flood risk. The approach taken in the EIA is in accordance with the approach of Planning Policy Statement 25 Development and Flood Risk and the Council's 2007 Strategic Flood Risk Assessment. As a result the terms of approval are robust to ensure that the developer submits adequate details to provide adequate protection to the site and surrounding area in terms of flood risk. No further information to the EIA is therefore required.

3.25

EXTERNAL

SPORT ENGLAND

3.26 The site is not considered to form part of, or constitute a playing field as defined by the Town and Country Planning Order 2010. As the application excludes the playing field to the south and west of Fulford School, the application is non statutory. Note the section 106 agreement requiring payment to provision of new sports hall and improvement of existing sport and open space facilities within the vicinity. The proposal to extend the existing playing field to the east of School Lane is welcomed. Plans show it marked out with a cricket wicket and outfield where trees are to be retained. Request removal of the trees. Given the significant financial contribution towards sport, no objection is raised to application. Request condition about the construction and laying out of new playing field.

ENVIRONMENT AGENCY

3.27 No objections. Any land profiling and slight alterations in ground level above the 1 in 100 plus climate change level will be compensated for by the scrape of the meadows area. Wish to be consulted on the discharge of conditions relating to drainage. The prior consent of the agency and IDB will be required if it is proposed to divert or culvert any part of Germany Beck, though are generally opposed to culverting on ecological grounds.

YORKSHIRE WATER

3.28 The details submitted on drawing 11644/5007/16 rev A are not acceptable as the submitted drawing: (1) appears to show buildings proposed to be built over the lines of public sewers crossing the site; (2) should show the site surveyed position of the public sewers crossing the site; (3). should show the proposed building stand-offs from public sewers or an agreed alternative scheme.

NATURAL ENGLAND

3.29 Satisfied that the range of environmental issues reassessed as part of the Environment Statement update (notably Ecology and Landscape and Visual Impact), the supporting evidence, and conclusions of environmental impact are sufficient for the Council to determine the application.

3.30 Remain satisfied that there is not likely to be an adverse effect on the Fulford Ings SSSI as a result of the proposal being carried out in strict accordance with the details of the revised application as submitted. Therefore, advise that the SSSI does not represent a constraint in determining this application.

3.31 Expect the LPA to assess and consider the other possible impacts resulting from this proposal on local sites, local landscape character and local or national biodiversity priority habitats and species. These remain material considerations and recommend that the LPA seek further information from the appropriate bodies.

3.32 If the LPA is aware of the possible presence of a protected species on the site, the authority should request survey information from the applicant before determining the application.

3.33 The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the application, if it is minded to grant permission for this application. This is in accordance with paragraph 118 of the NPPF.

YORKSHIRE WILDLIFE TRUST

3.34 Pleased to see the detailed assessment of the Germany Beck SINC and surrounding habitats showing changes since 2000. The suggestions for improvement and changes in management for grassland, wetland, hedgerows and woodland are also welcomed. There is good potential for connecting up habitat and providing high quality green infrastructure.

3.35 It will be vital that natural areas are retained as much as possible in the development and that any new or restored areas of habitat are well designed and managed in the long term. As Germany beck flows towards the Fulford Ings SSSI, the authority will need to be satisfied that updated plans will not have an impact on the SSSI. Would like to see detailed proposals for the design and management of the proposed nature area and SUDS and the Ecological Management Plan when they area available. The Trust would be happy to discuss the comment in Chapter 11 of the EIA update which states that the Trust could work with developers to help restore grassland in the SINC area.

YORK NATURAL ENVIRONMENT PANEL

3.36 Question whether the housing density meets the current LDF policy as it appears to be excessive.

3.37 The viability of the proposed mitigation for the retention of the water in the ditches needs to be examined closely given the changes to the hydrology of the area as a result of the new University campus further up the beck.

3.38 Although the landscaping is of native stock it is being used in a formal way as opposed to a more naturalistic way that would provide habitat as well as aesthetic contribution. The landscaping lacks a complete, naturally graded character from meadow, to scrub through to treed areas - the shrub layer is missing.

3.39 Starting from an arable base there is a good opportunity to create sections of naturalistic planting as with that achieved at Mayfields.

NORTH YORKSHIRE POLICE (Architectural Liaison Officer)

3.40 The applicant has submitted a comprehensive Statement of Crime Prevention Measures in respect of security and 'designing out crime'. Raised crime and disorder concerns about excessive levels of permeability on this development and the number of rear parking courts to be provided at a meeting with the applicant. Predict that indiscriminate parking, particularly along the central spine road, would be a feature of this development (residents preferring to park where it would be more convenient and perceived to be safer). Excessive permeability could result in crime and anti-social behaviour problems. It was explained that prescriptive planning conditions imposed made it difficult for the applicant to address the areas of concern raised. The Statement of Crime Prevention Measures document records the comments. Continues to have crime and disorder concerns about the proposed design and layout of this development, but fully understand the applicant's position.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

3.41 Recommends approval subject to conditions regarding drainage, the retention of the maintenance strip and storage of materials. The scale of the proposed development with its subsequent surface water discharge and its location relative to Germany Beck (a Board maintained watercourse) is of considerable concern. Discussions were held with the developer's consultants in 2005 and an agreement reached on the basic criteria upon which the development should proceed. This application does not specifically address the issues of the management of surface water discharges from the site nor does it specifically address the proximity of the development including access crossings and roads to Germany Beck. Both these issues are of paramount importance to the Board. The Board wishes to highlight the

premise within PPS25 that developers, where possible, reduce flood risk overall and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The applicant should be advised that the Boards prior consent is required for any development within 9m of the bank top of any watercourse within or forming the boundary of the site.

FULFORD PARISH COUNCIL

3.42 The Parish Council has provided full and in-depth comment in response to consultation on this application. The most recent response is as follows:

3.43 Lack of up-to-date environmental information: The submitted Environmental Statements are so deficient and substandard that the Council does not have sufficient reliable environmental information to lawfully determine the application, especially in relation to flooding and drainage, heritage and conservation and protected species (including bats).

3.44 The Battle of Fulford: The development site is the most likely location for the Battle of Fulford and a decision whether to designate the battlesite is under review. It would be premature to approve the application in these circumstances.

3.45 Lack of conformity with the Masterplan and UDPR: The Masterplan and UPDR are material considerations against which the current proposals must be judged. Some areas are highlighted where the plans are in conflict with the documents and would warrant refusal of the application either alone or cumulatively:

- Loss of key landscape features;
- Impact on public rights of way;
- Security and crime prevention;
- Layout and design not in accordance with the outline permission;
- Adverse effects on residential amenity;
- Lack of provision regarding sustainability.

3.46 Further comments on the lack of a design and access statement, the defective tree survey by Popplewells of Feb 2012, phasing, clarification about ownership and maintenance arrangements for the proposed extension to the parish field, lack of sufficient notification and consultation and request to revoke outline planning consent.

FISHERGATE PLANNING PANEL

3.47 Do not object but consider that the developer should be pressed to implement the highest environmental standards and extract the maximum developer contribution to ensure adequate and enhanced local public services. Concern raised by its residents about the impact on congestion and the accountability of the management company to be established by Persimmons.

FULFORD VILLAGE DESIGN STATEMENT STEERING GROUP

3.48 Commented during the life of the reserved matters application. Most recent response reiterates the Parish Council's objection to the proposals and requests the application be refused on the following grounds:

- The predominance of standard traditional house-types of a suburban layout and the pastiche that is represented in this proposal is disappointing and is contrary to the draft VDS guidance. Development would be a typical homogenous suburban estate that only superficially appears to comply with the conditions of the outline permission.
- Lack of home zones.
- The poor standard compared of sustainable features.
- The insufficient uninterrupted lengths of grass verge and lack of height to be reminiscent of Main Street.
- Loss of hedgerow in cell 3.
- Lack of commitment to pedestrians and cyclists.
- Poorly designed green passages and corridors and harm to existing public rights of way.
- Request provision of at least 14 allotments echoing Government policy, fruit trees rather than ornamental species and minimal street signage.
- Highlights the importance of lighting that is energy-efficient and of low intensity to prevent glare.
- Insufficient weight has been given to the setting of the conservation area.
- Considers that the area would benefit from more bungalows not apartments.
- Considers that there is need for medical facilities within the site.

LOCAL RESIDENTS

3.49 There have been 79 responses received from local residents objecting to the scheme on the following grounds as set out below , and one local business has written in supporting the scheme.

(i) Reserved Matters details

- The application bears no resemblance to the 2007 approval and does not conform with the outline design principles.
- The design is too suburban and standard for an historic village, lacks the quality of the outline submission, lacks local distinctiveness and landmarks/focal buildings, and makes no attempt to reflect the character of Main Street.
- Insufficient space is allowed to retain the green setting where development butts onto the edge of the conservation area along public footpath no.7 adjacent to Fulford Mews and the properties that back onto the footpath.
- Existing public footpaths and easements have not been retained and their setting and amenity has been affected.
- The land adjacent to Heath Moor Drive is several feet higher than the proposed development leading to heavily overlooked properties.
- Issue raised about the removal of trees along school boundary that are classified as c1-c3, but which provide screening for residents of Low Moor Avenue.
- Homes zones lack character or are lacking altogether.
- Three storey flats are not in keeping with the character of the existing buildings in the area and drastically change outlook for existing residents.
- Lack of a 'heart' to the estate, which is not fulfilled by a crescent of apartments.
- A height of 3m to eaves should be applied to those buildings to the south of Springfield House as well as being sited 30m from its southern elevation.
- Historic hedgerows and field boundaries should be retained.
- The central play area is too close to the flats, which are likely to be occupied by family-free occupants.

(ii) Cultural Heritage

- The development will destroy the site of the Battle of Fulford and its local setting.
- No good-sized area of green is left undeveloped to mark and protect the site of the battle.
- York will lose a significant heritage asset and a tourist attraction.
- English Heritage is considering whether to add to its Register of Historic Battlefields.
- The raised access road will permanently harm the village of Fulford, which is a designated conservation area.

(iii) Air Quality is already high in the area and would be exacerbated by the development.

(iv) Flood Risk

- Flood risk from building on flood land with problems of flooding in the area being exacerbated including potential displacement of water from the site to surrounding properties.
- In view of increased frequency of substantial flood events, an up to date flood risk assessment needs to be carried out.
- Houses lie in flood zones 2 and 3.

(v) Highway issues

- Traffic along the A19 has increased.
- Access via the A19 would increase traffic on an already heavily congested arterial route with no room for road widening or improvements.
- Bus bollard should be available to residents to avoid vehicles accessing the A19.
- A pelican crossing rather than an island should be included to help Fordlands residents cross the access road.
- The bus route should run along Mitchell's Lane not Heath Moor Drive as fewer residents would be affected.
- There should be no bus routes, but just access for cyclists and pedestrians.
- Query whether the roads and footpaths be constructed from permeable materials.
- Access poses a health and safety risk as it is affected by flooding and air quality on A19 has deteriorate.

(vi) Ecology would be harmed from loss of habitat and insufficient studies have been submitted to assess the impact.

(vii) Other issues

- More houses are not needed in York and existing brownfield sites derelict properties should be utilised instead.
- Lack of transparency in the process with large number of document and little summary or explanation.
- Concerned that principles of development cannot be reassessed given passage of time and that a new EIA is not being required.
- Concerned about pressure on existing amenities, schools and health services.
- Other sites in the city that are already developed that could be used if the need is to provide housing stock.
- Concerns over provision of affordable housing as properties bought by landlords.
- Concern over the scale of the development on edge of village.
- Loss of good agricultural land and ability to produce our own food.
- Issues with viewing plans/documents online.
- Houses should be built to current ecological standards - most construction is now Code 5 or Code 6.
- Loss of views and tranquillity.

- Route of access road threatens water vole.
- Request for PD rights to be removed for those buildings adjacent to the western site boundary.
- The changed orientation of the football pitch will result in balls causing damage to parked cars and ending in gardens.
- Seeks reassurance that the existing Fordlands Road bus service will not be sacrificed for the new residents and that the construction/delivery vehicles are not allowed to park on the bridleway or surrounding streets.
- It will be some time before existing and future residents see any tangible gain in exchange for the loss of open space.
- Use of Green Belt for development.
- Insufficient capacity in local schools.
- Litter pollution problem will increase.
- Noise pollution will be exacerbated further.
- Loss of green wedge that will eventually lead to the establishment of a continuous built up area between Fulford and Heslington with the A64.
- The Council has published a new masterplan for York that assumes that the Germany Beck site will be part of the plan, implying that the Council has already reached a decision.

3.50 Correspondence from interested party, who founded the Fulford Battlefield Society, including an 81 page letter, making the following points:

- Information provided is flawed and includes omissions.
- Comments on the poor public consultation process.
- Comments on the battlefield, in terms of evidence available during the planning process to properly consider the implications.
- Lack of information available and proper consideration regarding water voles, bats, the stone bridge, archaeology for the ford spanned by the bridge, green belt assessment, flooding and deliverability of the scheme.
- Considers that the application does not meet the principles of the NPPF and the crucial parts of protection planning offers with regards flooding, noise pollution, agricultural land use and heritage.

3.51 Letter of support from a local business on the basis that additional occupants would bring more customers to local businesses. Considers that the traffic in Fulford has always been busy and cannot become any more difficult. See the measures to address flooding as a positive.

4.0 APPRAISAL

4.1 As outline planning permission has been granted establishing the principle of residential development of the site with agreed means of access, the appraisal will focus on the individual remaining reserved matters. However, it should be noted that there is a degree of overlap within each category and thus each section cannot be read in isolation.

4.2 The main issues to be considered are: firstly, whether the application adequately explains the environmental impacts of the scheme; and, secondly, whether the outstanding details submitted comply with the requirements of the outline planning permission and whether they contribute to the aims of the development without harming visual and residential amenity, highway safety and the natural environment.

POLICY CONTEXT

National Planning Policy Framework

4.3 The Coalition Government published its National Planning Policy Framework (NPPF) in March 2012, which contains national planning guidance. At the heart of the framework is a presumption in favour of sustainable development. It also contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

Yorkshire and Humber Plan Regional Spatial Strategy

4.4 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy (2008), which covers a plan period to 2026. The Coalition Government published its intention to partially revoke the Strategy in January 2013 and this came into effect on 22 February. The only policies not to be revoked are policies YH1 and Y1 in relation to the York Green Belt. Policy YH1c establishes a green belt around the City of York, but confirms the inner boundaries need to be agreed.

City of York Draft Local Plan

4.5 Policies contained in the draft Local Plan are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP9 deals with landscaping within residential schemes. Policy NE1 seeks to protect existing trees

and hedgerow that are of important landscape, amenity, nature conservation or historical value. Policies HE2 and HE3 deal with the impact of proposals on the character and appearance of conservation area.

ENVIRONMENTAL IMPACT ASSESSMENT

4.6 An Environmental Statement (ES) was submitted with the outline planning application as the scheme constituted Schedule 2 development as defined by the Environmental Impact Assessment Regulations.

4.7 Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires Local Planning Authorities to consider whether an ES that was produced at the outline stage is adequate to assess the environmental effects of granting reserved matters approval, should it be minded to do so. The Local Planning Authority carried out an assessment in accordance with Regulation 8 as to whether the environmental effects of the development insofar as they relate to the reserved matters application and whether the ES produced at the outline stage needed to be updated or revised prior to the determination of this application.

4.8 The Local Planning Authority requested that further information to the ES needed to be provided with regards the following chapters of cultural heritage and archaeology, air quality, landscape and visual amenity, and ecology. Consultation with relevant officers regarding noise and vibration, hydrology and drainage, transportation, agriculture, ground contamination, socio-economic factors and recreation confirmed that no further review, information or updates were required to the Environmental Statement on these topic areas. The further information submitted has been considered by the relevant persons to which it relates.

CULTURAL HERITAGE AND ARCHAEOLOGY

4.9 The Fulford Village Conservation Area boundary was extended in October 2008 and now includes the area of the application site where the access road was approved. The Environmental Statement has been updated to acknowledge the extended designation. The Conservation Area Appraisal identified the presence of the access road within the extended area and sought control over the detailed design through the discharge of the outline conditions of approval. Therefore, it is considered that there is no mitigation measures required at this time. It is also noted that the details submitted for reserved matters approval as part of this application do not relate to that part of the site falling within the conservation area.

4.10 Archaeology and in particular the Battle of Fulford was considered as part of the outline planning application. The outline consent is subject to conditions with regards to a scheme of archaeological work to cover ground works as well as the implementation of an interpretative trail regarding the Battle of Fulford. Since the

outline consent was granted, further work has been undertaken with regards the Battle of Fulford by an interested party and results published. This has culminated in a request to English Heritage to designate the site and include it on the Battlefields Register. English Heritage declined to register the site, but is reconsidering its position following a high court challenge. However, to date, the site is not included on the register. The ES has been updated to take account of the additional information and this has been considered by the Council's Archaeologist. It is considered that the conditions of approval on the outline planning consent remain sufficient mitigation, and also in the event that the site is included on the register after a successful High Court challenge.

AIR QUALITY

4.11 The Air Quality Management Area in Fulford has been extended since outline consent was granted. Further air quality monitoring work has been undertaken and the Environmental Statement updated. The Council's Environmental Protection Unit is satisfied with the further information provided and does not consider that any further mitigation is required.

LANDSCAPE AND VISUAL AMENITY

4.12 A reassessment of the key views identified in the Environmental Statement has been carried out and concludes that no significant changes to landscape have occurred since the outline permission was granted.

ECOLOGY

4.13 In 2012, a bat roost was identified in Fordlands Care Home, which is next to the sites western boundary. Further survey work was undertaken to assess the impact the proposals would have on the protected species and their habitat. Germany Beck is identified as a potential foraging corridor for the bats. The main impact of the development is the area where the access road crosses this corridor. The applicant has submitted two reports in September 2012 and February 2013 as addenda to the Environmental Statement. The information has been considered by the Council's Ecology Officer who is of the opinion that sufficient information has been provided to determination that a mitigation strategy is feasible. This mitigation strategy is dependent on the detailed highway design, which has not been confirmed to date, and is subject of a condition of approval of the outline consent. In light of the above, and as this application is a subsequent application for reserved matters relating to the houses and the open spaces around them, it is considered that the application need not be held in abeyance until the highway design has been confirmed and the mitigation strategy agreed.

COMPLIANCE WITH OUTLINE CONSENT

4.14 The reserved matters application was submitted in February 2012 and, therefore, it satisfies the requirements of condition 1 of the outline consent, which stated that application for approval of all reserved matters be made not later than 5 years from the date of the permission (9 May 2007).

4.15 The outline application was accompanied by a Development Principles Report (UDPR) that was amended in June 2006 following a request by the Secretary of State for information with regards design. The Updated Development Principles Report was intended to provide 'basic guidance from which detailed design solutions [would] be developed which will aim to offer additional design benefits and design excellence'.

4.16 Condition 3 of the outline approval requires the reserved matters to 'generally conform with the information and details' set out in the UDPR. It makes specific reference to the alignment of the main distributor road, the location of main footpaths and cycle routes, the provision of vehicle access to Fulford School, the location and general extent of housing areas and the general mix of housing types and sizes, the location of shops and community facilities, the location of greenways and green spaces, the area of the protected archaeological zone and the general location and configuration of the Germany Beck Nature Park.

4.17 The key objectives of the development as set out in the UDPR, were the delivery of a housing scheme with a mix of type and size of unit, but with an overall density of 40 dwellings per hectare. Properties would meet lifetime home standards and 35% would be affordable. Homes were to be designed so that they respected local amenity and character, whilst being modern, imaginative and energy efficient (EcoHomes Excellent rating).

4.18 The layout of the site shown on the submitted plans reflects that of the UDPR Spatial Masterplan with regards to the main spine road, principal footpaths and cycle routes, greenways and green spaces, the extent of the housing areas and location of community facilities. The archaeological zone and nature park are not included as part of the reserved matters submission as the details for these areas is subject to conditions on the outline approval. However, the reserved matters plans do show the general extent of these areas.

4.19 The aim of the scheme is to provide a residential development of approximately 700 dwellings with a mix of house type and size of unit. The number of dwellings now proposed, following revisions to the scheme, is 655. This equates to just less than 7% less units than originally proposed, which is considered to be within an acceptable tolerance and is therefore accords with condition 7, which states approximately 700 dwellings. The mix of house types is similar to that

outlined in the UDPR, with the highest proportion of units being 2 bed terraced properties and apartments, 3 bed terraced and semi-detached houses and apartments and 4 bed semi-detached and detached houses. A proportion of 1 bedroom apartments (8 no.) and 5 bed houses (3 no.) are proposed. The number and dwelling type and size is considered to be generally consistent with the outline consent and therefore acceptable.

4.20 In light of the above, Officers consider that the structural layout and the overall provision of housing of the reserved matters submission is in 'general conformity' with the UDPR with regards the Spatial Masterplan.

SITING (Layout)

4.21 Siting is concerned with the layout of the scheme centred around the position of buildings, routes and open space and their relationship to each other as well as to buildings outside the site.

4.22 In accordance with condition 3, the layout of the development appears consistent with the Final Spatial Masterplan illustrated in the UDPR. It reflects the alignment of the main spine road leading from the new access to the north eastern corner of the site and the roadway leading to Fulford School boundary, the primary pedestrian and cycle routes, the extent of built form and open space, the landscape structure (including a 30m wide greenway linking the site with the Parish Council land extension), the location of children's play areas and the central community heart of the development.

4.23 The layout embraces a high degree of permeability by non-car modes with a network of pedestrian and cycling routes through the housing and landscaped areas. Houses largely face out onto roads to create active frontages with parking to the rear or on road. The location of the play areas, consistent with the Spatial Masterplan, allows good access and natural surveillance from the surrounding houses.

4.24 The houses are closer together than occurs in the surrounding residential areas with smaller gardens and minimal setbacks from roads. The developer has made effort to design the scheme so that houses do not directly face at the rear or where they do there is a distance of approximately 20m between elevations.

4.25 Each dwellinghouse would have its own private garden and vehicle parking space either in a garage, in-curtilage, in a parking court or on-street as close as possible to the dwelling it serves. Ten vehicle parking spaces are to be allocated to a car club scheme and would be spread out across the site in groups of two. Visitor parking spaces are distributed across the site, either on highway or within parking areas. The latter arrangement is reflective of the tight nature of the site and the

restrictions both on-site and from the outline planning consent. Cycle parking for the apartments is within buildings at the rear of the blocks. The EcoHomes Pre-Assessment Report notes that cycle parking for the houses is to be provided for within the private gardens. As no details of this have been submitted for approval, such details will need to be conditioned.

4.26 Changes have been made to the scheme in response to comments made by officers to try to reduce vehicle speeds and provide more interest when travelling through the site either by foot, cycle or vehicle. Parking courts remain an issue with some larger than recommended by the CABI's Building for Life 12, though attempts have been made to provide only one access to them and reduce the height of rear enclosures to improve surveillance.

4.27 The development includes a road leading from the main spine road to the southern boundary of the school as required by condition. Beyond this is a matter for the Council.

4.28 All existing Public Rights of Way (PROW) identified on the definitive map have been retained within the scheme within green corridors. Footpath 10 runs east-west to the south of the housing area and joins with footpath 6, which runs northwards along the eastern site boundary to Bleak Farm. Footpath 7 continues south from School Lane on the western site boundary. Revisions have been made to improve the relationship of the houses on the outer edges of the scheme to these public right of ways and the surrounding open space. This has involved re-siting vehicular access and parking provision at the rear of some houses or flipping the houses so that the front faces onto the green space to improve surveillance and the quality of the environment created. The units at the western edge of the site, adjoining footpath 7, have been set back to allow a wider green corridor. The boundary enclosure to this interface with Fulford Village and the conservation area has been simplified and comprises a 1.8m high brick wall with hedging and a lower 900mm wall with railings where it runs along the end of the residential road. However, it is recommended that this be increased in height to a 1.5m high wall with no railings above to improve its appearance and security.

4.29 The houses shown adjacent to the northern boundary with Fulford School were originally shown in the reserved matters submission as being close to the trees that are along the boundary though within the school grounds. Whilst the buildings have been moved further away at the request of officers, concern still remains. This is in terms of the potential for conflict between the presence of the trees and residents amenity, which may affect the trees future.

4.30 Conditions 27 and 28 of the outline consent set eaves heights and stand off distances of the houses at the northern and western site boundaries where they would back onto existing residential properties. The application drawings show a

plotted 30m line from the relevant elevation of the existing dwellings, beyond which the proposed buildings are to be constructed. The properties on the northern boundary adjoining Tilmire Close and Low Moor Avenue and on the western boundary adjoining School Lane are to be single storey bungalows. Therefore, the requirements of the conditions have been complied with. It is recommended that permitted development rights allowing roof extensions be removed to avoid any loss of privacy to existing bungalows.

4.31 Concern had been expressed by the occupants of Osborne House about the impact of the development on their amenity as the property extends out into the site and the development surrounds the house on three sides. The scheme has been changed in this area. Boundary hedging is proposed around the garden boundaries of the properties bordering Osborne House and which are to be set back from the southern and northern boundaries of the property to accommodate a private right of way and address loss of amenity to the dwelling, which has habitable room windows on or close to its boundaries.

4.32 A ground floor retail unit of approximately 200 sq.m. is shown in the central area of the site as required by condition 29 of the outline consent.

DESIGN (Scale)

4.33 Design relates to the wider view of the development and how the place will look and work.

4.34 The housing density, at an average of 39 dwellings per hectare, is likely to be higher than the surrounding housing estates, but is a more efficient use of land and is consistent with the overall density referred to in the UDPR of 40 dwellings per hectare

4.35 The majority of buildings would be two storey (80%), with 4% being single storey bungalows, 4% being 2.5 and 3 storey houses and 12% being higher level apartment buildings. This is considered to be appropriate given the height of buildings in the vicinity and the requirements established in the outline consent based on the UDPR.

4.36 The buildings with the most visual impact would be the apartment buildings in the heart of the scheme, which are four floors with the upper floor being accommodated within the roof void. These would be viewed in the context of the scheme and are over 80m from the nearest residential property outside the site, which is separated by the school playing fields.

4.37 The bungalows to properties on Tilmire Close and School Lane and the rural edge houses would provide a softer edge to these boundaries.

EXTERNAL APPEARANCE (Appearance)

4.38 External appearance is concerned with the detailed design of the exterior of the buildings and the materials to be used.

4.39 The UDPR stated that the buildings would be a 'reinterpretation of the best of the local vernacular'. It highlighted the careful consideration that would need to be given to the detailing of the buildings to emphasise different character areas, unite buildings, add interest and style and add to the sense of place. Building materials were proposed to follow the local vernacular of pinkish brown bricks with predominantly traditional red clay pantiles.

4.40 Three key character areas were proposed reflective of village settlements that evolved historically along a linear route with subsequent backland development. The 'spine road' was intended to have a character reminiscent of Fulford Main Street, in terms of unified character though with varied building type and height and variable building line set back behind wide grassed verges. Houses within the backland areas were to comprise a wider range of layouts with a 'significant' amount of homezones. Each cell was to have a more varied character than the spine road and could accommodate more modern and innovative house designs. The houses fronting the Germany Beck corridor were intended to provide a softer edge to the development, with a lower density and facing out onto the wildlife corridor.

4.41 The reserved submission proposes four character areas consisting of a High Street, a Rural Edge, Village Quarters, and a Crescent. A Design and Character Study has been submitted with the reserved matters application to explain the approach to the detailed design of the properties. It explains that the four character areas seek to deliver and reinforce the vision of the UDPR of character areas that emulate the natural organic development of settlements.

4.42 The properties within the High Street are to be 2 and 3 storey dwellings of higher density with a formal and continuous building line. Their elevational treatment proposed to be the Heritage Range including key architectural features such as chimney stacks, symmetrical doorways with decorative surrounds, vertical emphasis windows and brick detailing on larger properties. The Rural Edge refers to those houses that front onto greenspaces including the Germany Beck corridor. These properties would be 2 storey increasing to 3 storey at key focal points and corners and would be of lower density. The architectural features would be similar to the High Street, but the elevational treatment would be simpler and more relaxed, with minimal brick detailing and entrance surrounds and arched window headers. The Village Quarters refers to the backland development areas. Houses would be

larger 2 storey and would have a more informal layout and elevational treatment. The developer's Classic Range and Contemporary Range are proposed within these areas. Houses would not have chimneys and elevational treatments would be simpler.

4.43 The Crescent relates to the 2.5-3.5 storey apartment buildings at the centre of the site. The UDPR shows the area around the semi-circular public open space, being higher density development and 2 bed apartments were proposed as part of the scheme. The 'Crescent' adopts a contemporary approach to its elevational treatment offering visual interest at the heart of the scheme, though the scale and proportions could be further refined through condition. Areas of outdoor open space including roof terraces and balconies are incorporated into the apartment buildings.

4.44 The palette of materials varies depending on the housing range, but would be brick and tile construction, with the contemporary buildings incorporating areas of render within their elevations. Condition 36 of the outline consent requires samples of each external material to be submitted for approval prior to commencement of development on each phase.

4.45 With the exception of the Crescent, which refers to the apartment buildings in the centre of the housing area, the proposed character areas reflect the intentions and vision of the UDPR. The inclusion of chimney stacks, vertical emphasis windows with multi-pane glazing, feature doorways and brick detailing within the High Street and rural edge character areas reflects local vernacular features. The less prominent properties behind the frontages to the green areas created by the High Street and Rural Edge properties, as well as to the north-eastern corner of the site, have a simpler elevational treatment that is more reflective of other modern development within the area. Whilst the apartment buildings adopt a contemporary approach rather than the traditional approach of the high street, this helps to reduce the massing of the blocks and creates interest in the heart of the development.

LANDSCAPING

4.46 Landscaping relates to the non-built areas of the site as well as covering the surfacing materials to be used within the development.

4.47 One of the principles of the development was the creation of robust, maintainable and attractive greenways and spaces. The landscape structure consists of a 30m wide greenway linking the parish land with the Germany Beck meadow, secondary greenways of 10m to 15m width linking the development with the public open space to the south and smaller areas of amenity space within the housing areas is generally as shown on the Masterplan and referred to in condition 3. These and all other areas of open space, including the play areas, have a good level of natural surveillance. The Germany Beck Nature Park is excluded from the

reserved matters application as it is covered by condition 10 of the outline planning permission.

4.48 Details of existing trees and hedges to be retained have been submitted. Where possible within the scheme, these have been retained, however more of the existing hedgerows within the site have been removed than initially envisaged in the UDPR. This includes the hedgerow that runs to the north of the PROW, footpath 10, where it enters the site from the west, north of South West Meadow. Existing planting is intended to be supplemented by naturalistic and native planting within green spaces and along highways.

4.49 Details of boundary enclosures are shown on the submitted plans, which on the whole are acceptable. Houses would be enclosed by 1.2-1.8m high fences to rear boundaries, but this would be 1.5m high fencing with 300mm trellising where gardens back onto parking courts. Where houses back or side onto roads, 1.8m high screen walls are proposed. Enclosures to fronts of properties are to be lower ranging from 1.2m high railings to 450 timber knee rail fencing where houses overlook green spaces. Further details of the enclosures are required and this can be covered by condition. As mentioned in 4.28, the enclosure to the PROW, footpath 7, on the western boundary needs to be amended to improve appearance and security and this can be addressed through condition.

4.50 The main roads and footways within the scheme are proposed to be tarmac, with secondary roads being a mix of tarmac, coloured tarmac and brick sets in a herringbone style. It is intended that private drives and plot parking are tarmac. Foot and cycle ways through green spaces are proposed to be bound gravel. Concern has been raised with the applicant about the use of coloured tarmac for secondary roads and tarmac on private drives. As such, it is considered appropriate to attach a condition that deals specifically with the surfacing materials.

4.51 The scheme includes areas of sports, children's play space and amenity space as specified in condition 8. Details of the location, layout and type of play spaces and equipment has been submitted. The equipped play areas are located within the central amenity space by The Crescent and within the smaller amenity space located to the eastern end of the site adjacent to the school playing fields. Both areas are overlooked by adjacent properties, though are separation from the properties through the creation of 1m high landscaped mounds. This will help to reduce potential conflict between residents and users of the play areas. The proposed play equipment adopts a naturalistic approach with items made from timber or granite. The timber equipment consists of balance beams, nets, stepping stones and basket swings. There is a train with slide. The granite features stones allow climbing opportunities. The equipment proposed is considered to be acceptable.

REQUEST TO REVOKE OUTLINE PLANNING PERMISSION

4.52 The Council received a request on behalf of Fulford Parish Council in April 2012 to exercise its powers under Section 97 of the Town and Country Planning Act to revoke planning permission for the residential development at Germany Beck. Officers are of the opinion that it is premature to consider revocation of the outline planning consent at this time prior to consideration of the application to extend the outline permission , that is currently before the Local Planning Authority.

5.0 CONCLUSION

5.1 This application seeks reserved matters approval for siting, design, external appearance and landscaping for a residential development that was granted outline consent with means of access in 2007 by the Secretary of State following a public inquiry.

5.2 Further information in respect of cultural heritage, air quality, landscape and visual amenity, and ecology has been submitted at the request of the Local Planning Authority in accordance with Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Taking into account the environmental information submitted with the outline planning application and the additional further information submitted with this subsequent application, it is considered that adequate information is before the Local Planning Authority to assess the environmental impacts of the development and the reserved matters application. It is considered that no significant environmental effects are identified, with additional mitigation being required with regards to bats and the implementation of a mitigation plan that includes working methods during the construction phase.

5.3 The reserved matters application was submitted in February 2012, within the time frame established by the condition of approval of the outline (Condition 1). Revisions have been made to the scheme following discussion and negotiation with officers with regards the layout and design of the houses and roads as well as their external appearance in order to reduce traffic speeds, enhance legibility and permeability through the site and improve the quality of environments.

5.4 Condition 3 of the outline consent required that the reserved matters was in general conformity with the information and details in the Updated Development Principles Report including its spatial masterplan. The wording of the condition does not require strict adherence, but compliance in general, allowing a degree of flexibility. It should be noted that the document was intended to act as a guide for the design standards to be met by future reserved matters applications, with the principles and layouts contained within providing basic guidance from which detailed design solutions would be developed rather than final solutions (page 17). In light of this, and considering the plans and details submitted, it is considered that the

proposed reserved matters details generally conform with the information and details set out in the UDPR.

5.5 The details of siting, design, external appearance and landscaping submitted as part of this subsequent application are considered to be acceptable subject to conditions with regards means of enclosure, surfacing materials, elevational treatment for the apartments and cycle parking. These can be covered by condition. In addition, it is recommended that permitted development rights be removed to the bungalows adjacent to the western and northern site boundaries.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans -

2 Notwithstanding the submitted plans, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The buildings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

4 Notwithstanding the submitted plans, details of the means of enclosure to the western site boundary with Footpath 7 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The details shall include the provision of a 1.8m high wall reducing to a 1.5m high wall where the internal road abuts it, with the provision of planting on the outer face of the wall. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to preserve the character and appearance of the adjoining Fulford Village Conservation Area.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 Notwithstanding the submitted plans, revised elevational drawings of the

apartment blocks, known as The Crescent, shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of their construction. The development shall be implemented in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details.

INFORMATIVE: The revised details shall include a brickwork finish up to the upper cill band level and further detailed design of the windows including removal of the lower solid panels.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions) and B (Alterations to roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed for plots 37-48 (inclusive) and 643 to 655 (inclusive).

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

8 The submitted and approved landscaping scheme for each phase of the development shall be implemented within a period of six months of the completion of that phase. Any trees or plants which within a period of five years from the completion of that phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to ****IN. As such the proposal complies with Policies ****IN of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- pre-application discussion;
- request for further environmental information;
- request for revisions to the plans.

Contact details:

Author: Hannah Blackburn Development Management Officer

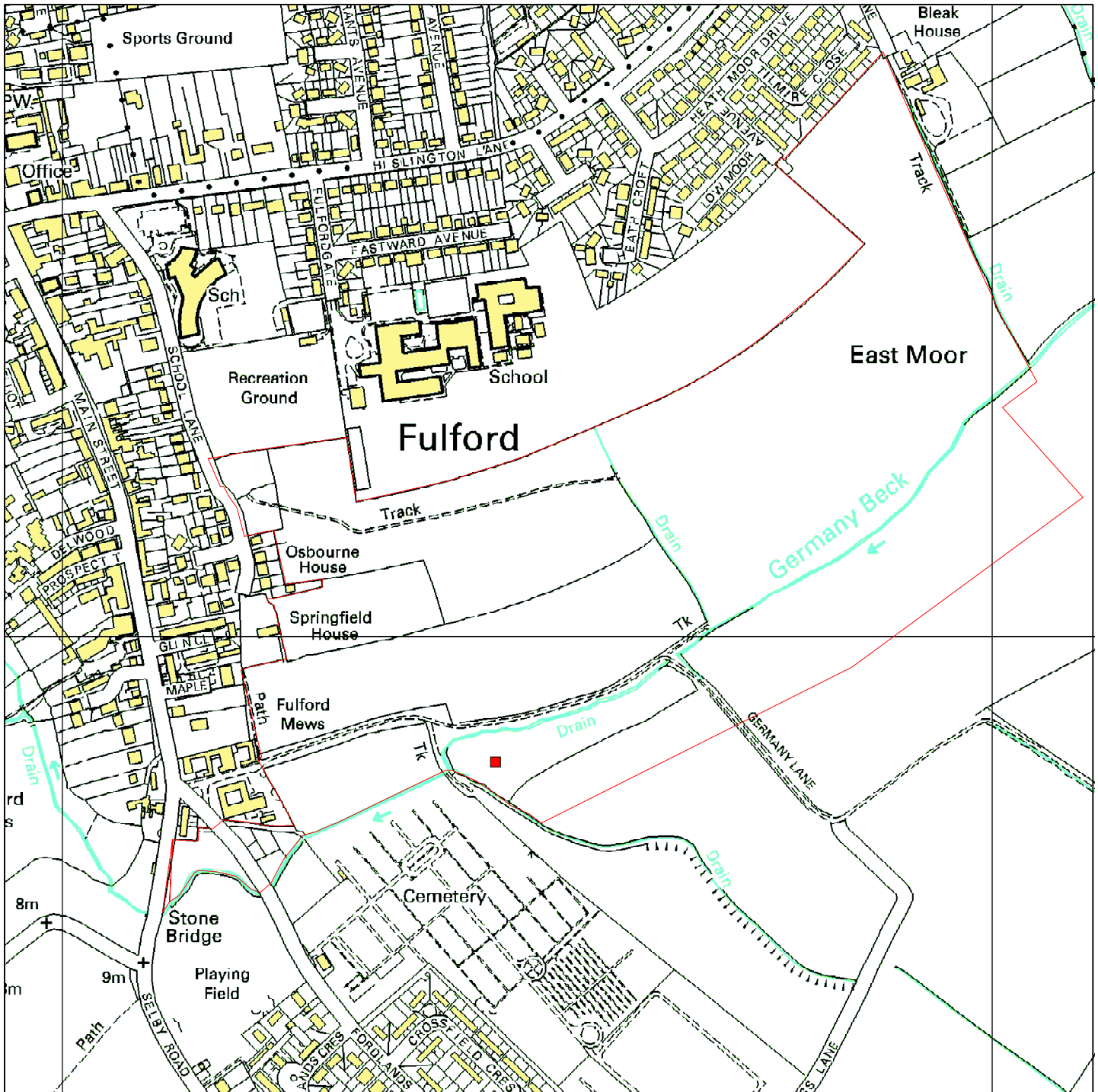
Tel No: 01904 551325

12/00384/REMM

Germany Beck Site, East of Fordlands Road



GIS by ESRI (UK)



Scale : 1:6200

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	15 April 2013
SLA Number	Not Set

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22nd April 2013

To Members & Substitute Members of City of York Planning Committee

Dear Councillor,

Re: 12/00384/REMM Germany Beck Reserved Matters, Agenda Item 4B.

Fulford Parish Council is writing to you regarding the above application in order to provide you with a summary of the objections contained in our letter of 26 March. We hope that you may find this summary useful in your consideration of this complex development.

1. Lack of up-to-date environmental information.

The submitted environmental information is deficient and substandard to the extent that there is insufficient information to allow a proper assessment of the environmental effects of the development, most especially in relation to flooding & drainage, heritage and protected species.

2. Flooding:

The Flood Risk Assessment dates from 2004. The updated ES 2012 states that the 2004 FRA is considered to be 'robust' and therefore according to the EIA Regulations, this document is a material consideration in the determination of this reserved matters application.

The FRA is outdated and defective in terms of the flood maps and calculations upon which it is based. **We urge you to request sight of the FRA in order that you can assess whether it is adequate to assess the current flood risk**, particularly as it relates to the layout of the housing, the proposed flood storage basin, the effects on neighbouring properties and to the floodplain in the area as a whole.

Furthermore, the current plans indicate that the combined main sewer that runs across the site is aligned directly under housing units and this matter needs to be resolved before reserved matters can be approved.

We ask you to consider whether a reserved matters application for EIA development can be lawfully determined without an up-to-date FRA and without any drainage details whatsoever being provided.

The flood zone map for the site is attached to this letter for your information.

3. Protected species – bats:

The developer's ERAP Bat Survey Report 2013 accepts that: "the site is a 'major infrastructure project' as defined by *Bat Surveys: Good practice guidelines (Hundt, 2012)*, being a proposed housing development of over 500 houses". (1.1.5 ERAP Report 2013)

Chapter 9 of the *Good Practice Guidelines* outlines the resources required for such a project. Paragraph 9.6.1 states:

"Resources required for survey: Organisations involved in the commissioning and operation of major infrastructure projects should be aware of the need to plan ahead for sufficient

surveys effort to inform their design. **Ideally one to three years baseline data should be available to design robust mitigation for bats**".

However, the developer has not provided any baseline information at all and the very limited and substandard ERAP surveys have been heavily criticised by Giles Manners of MAB Ecology (commissioned by FPC). The MAB Reports of 2012 & 2013 appraise the developer's surveys (ERAP 2012 & 2013) and conclude the following:

Paragraph 8:

"I maintain that ***the survey information provided within the ERAP reports is not sufficient to inform any reliable assessment of bat usage of the site and the impact of the development***". (MAB emphasis)

Paragraph 29:

"The apparently biased approach of the ecologist in this case not only undermines the entire ecological impact assessment of this development (not just bats), it also casts doubt on the integrity of environmental impact assessments as a whole. The reason behind membership of professional bodies such as IEEM is so that high professional standards are maintained. The impact assessment provided by ERAP in this case in my opinion falls below the standards expected by the industry as a whole".

Paragraph 37:

"The ERAP report is fundamentally flawed in all three main areas: survey input, impact assessment, and recommendations".

These serious criticisms by an independent fully qualified professional ecologist cannot be ignored. The unworkable mitigation that derives from the ERAP report is highly questionable and we note that the Yorkshire Wildlife Trust has expressed doubts about the effectiveness of hop-overs as mitigation for bats on this site.

The inadequacy of information regarding a protected species is a reason for REFUSAL.

4. Design quality:

The Updated Development Principle Report (UDPR) sets out the design principles of the development and is a material consideration against which the proposals must be judged (condition 3 of the outline permission).

Despite assurances that the development would reflect the local vernacular of Fulford's conservation area, the proposals comprise entirely of volume 'estate' dwellings of no architectural merit whatsoever. The elevational treatment of the housing units may have been 'tweaked' but they remain uniformly unremarkable. The central apartment blocks which form 'the Crescent' (at the heart of the development), are based on apartment blocks designed for a high-density city centre site and are wholly inappropriate as an extension to Fulford village.

Such unacceptable design constitutes a reason for REFUSAL.

5. Lack of conformity:

The layout lacks conformity with the Masterplan and the UDPR in many other respects:

- The key landscape feature of Tunnel Dyke will be mostly culverted and will lose its value in terms of visual amenity and as a wildlife habitat along a watercourse that connects Fulford School nature reserve through the site to Germany Beck.
- The raised trackway leading from the village to Tunnel Dyke is not retained despite it being highlighted as an 'ancient route' in the 2001 ES.
- Public rights-of-way are set within corridors of insufficient width and their amenity value is significantly reduced through inappropriate siting of buildings and boundary treatments.

- There are no 'focal buildings', no 'mews' no 'housing courts' and no 'pedestrian lanes' as described in the UDPR
- Security and public safety has not been adequately addressed and the Police Liaison Officer remains dissatisfied.

Such non-conformity with the outline permission constitutes a reason for REFUSAL.

Further comments and reasons to refuse:

6. Extension to Parish Field.

The Parish Council has repeatedly requested the developer to clarify the ownership and maintenance arrangements for the proposed extension to the parish field, but have received no information whatsoever. This matter must therefore be fully resolved before any approval of reserved matters.

7. Section 106 obligations:

It is of significant concern that the main community benefit resulting from the development (the sports hall proposed within the grounds of Fulford School) is now in doubt because there is currently no funding or commitment in place to enable the project to commence. In these circumstances, it is likely that the key obligation in the S106 agreement may not be capable of being realised.

We ask you to consider the advisability of providing an access road to the school that will terminate at the boundary fence but with no plan or funding in place to provide turning arrangements and drop-off facilities for the school as envisaged.

With regard to the Pinch Point Fund (which directly relates to the raising of the A19), there is no information on whether any funds received: a) would be used to relieve the developer of existing obligations, b) what level of public funding is proposed and c) what would be the implications if the Council's bid proved unsuccessful?

8. Battle of Fulford:

It is not disputed that the Battle of Fulford is of huge significance as the first of the three major battles of 1066 and that it represents a wonderful heritage asset for the City, whether registered or not. It is also accepted that the line of Germany beck is the most probable location for the battle. We were therefore surprised and saddened to discover that Council Officers chose to write formally to English Heritage to object to the registration of the battlesite.

A decision not to designate the battlesite is under review by English Heritage and it would be premature to approve an application now that would degrade the historic landscape to such an extent that future registration would not be feasible.

It is notable that the applicant has not updated the Environmental Statement to take account of the publication 'Finding Fulford' despite the LPA requesting such an update in a Reg 22 request.

9. Reserved Matters:

We refer to the definition of 'reserved matters' contained in the *Town and Country Planning (Development Management Procedure) (England) Order 2010*.

2 (c) states:

" 'reserved matters' in relation to an outline planning permission, or an application for such permission, means **any of the following matters in respect of which details have not been given in the application-**

(a) access; b) appearance; (c) landscaping; (d) layout; and (e) scale

There are many important areas where details were not provided at the outline stage and have not provided in the reserved matters application either. Officers have stated that these outstanding details will be dealt with through conditions, but we ask you to consider whether this is a lawful interpretation of the planning (and EIA) regulations. Furthermore, Paragraph 1.6 of the committee Report states that the application 'seeks approval for **all remaining reserved matters for the whole site**'.

We find it mystifying that to date, no landscaping plans or levels/contours have been provided for the Nature Park or the area of the new access road and junction at the A19. This directly contravenes Condition no 5, which states:

"The details to be submitted for approval of the Local Planning Authority under Condition no 2 shall include: a) a plan and schedule of all existing trees and hedging on the site", b) A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs, c) Details of earthworks in connection with the formation of all landscaped areas. These details shall include the level and contours to be formed and the relationship of the proposed earthworks to the surrounding landform".

Further examples of details not provided to date, include:

- The proposed foul water-pumping station. This is to be located in the floodplain (south west meadow) yet there has been no detail of scale, appearance, access/turning arrangements, boundary treatments or environmental effects.
- Additional flood defences at the A19.
- Details of parking and cycle storage for the Nature Park as outlined in condition no 10.

The failure to include all 'reserved matters' is a reason for REFUSAL.

10. Access road:

Paragraph 3.7 of the Committee Report states:

"Access Road: The access road was approved prior to the conservation area being extended to the south. Conditions 30 & 31 cover detailed development of the highway, including the new link road from the A19. It is most important that the detailed highway scheme drawings are developed to mitigate their impact on the landscape, ecology and other valued aspects of the existing environment".

Condition no 32, relates to the junction with the A19 and refers to a specific plan that was approved at the outline stage (Bryan G Hall Drawing 05/401/TR/009A). The condition also stipulates that 'no part of its carriageway shall be lower than 9.81 metres AOD level'. There is no mechanism at reserved matters stage to vary this condition and the applicant is not proposing to change it. Therefore it will be impossible to ensure that adverse environmental effects can be mitigated through alterations to the design of the road as suggested in the Committee Report.

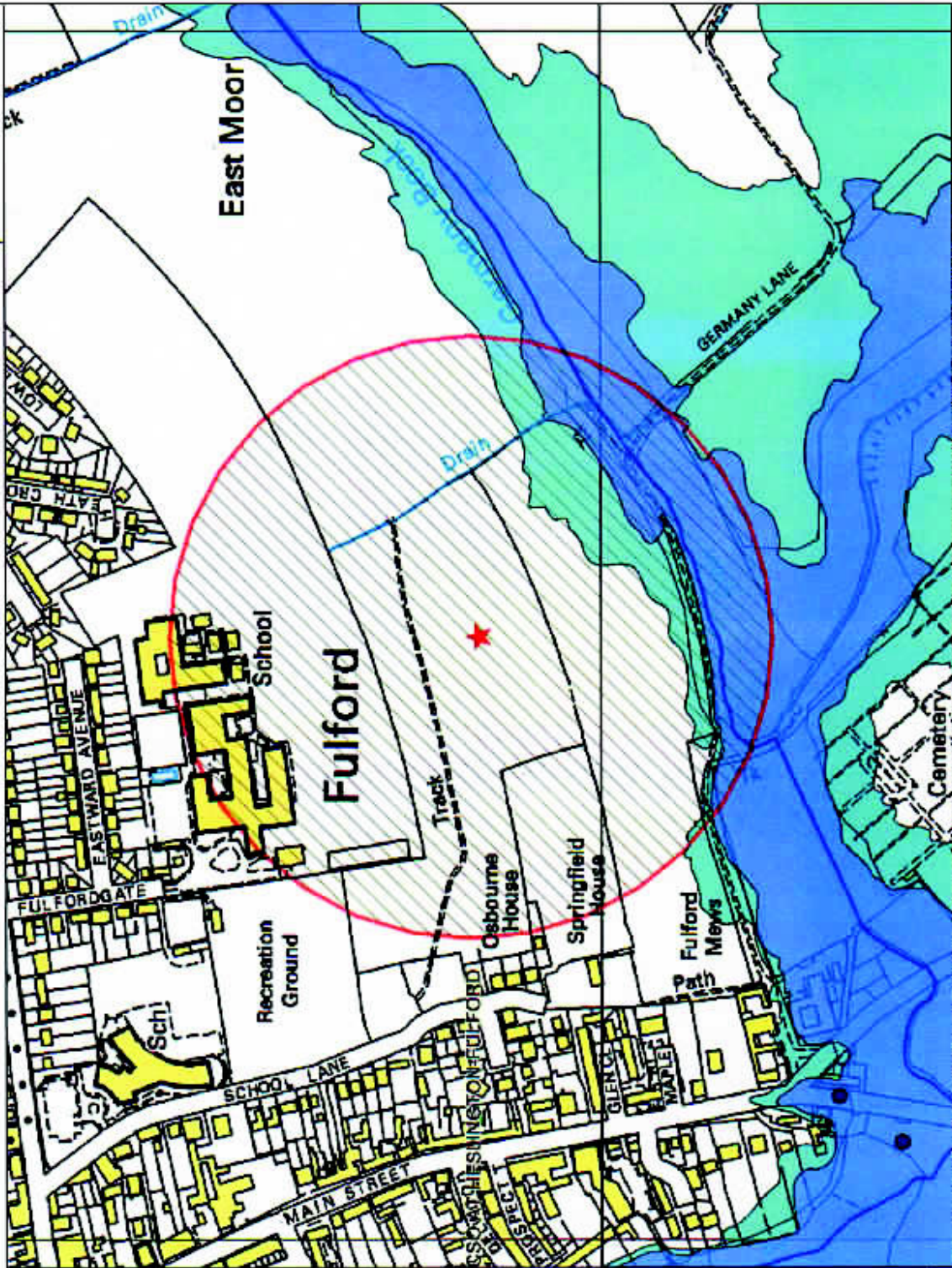
We refer you to the Parish Council's full objection letter (dated Mar 26th) should you require further details on the concerns raised during the consultation process.

We thank you for reading this letter and trust that you will fully consider the points we raise and that you will decide that are many valid reasons to refuse this defective application.

Yours sincerely,

Jeanne Fletcher
Clerk to Fulford Parish Council.

Environmental Data Map (Created 31/10/2011)



- Legend**
- NIRS2 Pollution Incidents
 - ▲ WIMS Active Discharge Consents
 - ✚ NALD Abstraction Points
 - ✚ NALD Abstraction Reaches
 - NALD Abstraction Areas
 - ▨ Detailed River Network
 - ▬ Primary River
 - ▬ Secondary River
 - ▬ Tertiary River
 - ▬ DfS of High Water Mark
 - ▬ DfS of Seasonal Extremes
 - ▬ Lake / Reservoir
 - ▬ Canal
 - ▬ Extended Culvert (greater than 50m)
 - ▬ Canal Tunnel
 - ▬ Underground River (Inferred)
 - ▬ Underground River (Local knowledge)
 - REGIS Waste Licences
 - Authorised Landfill Sites
 - Historic Landfill Sites
 - Flood Map - Defences
 - Areas Benefiting from Flood Defences
 - Flood Map - Flood Storage Areas
 - Flood Map - Flood Zone 3
 - Flood Map - Flood Zone 2



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There are so many omissions from the planning officers briefing that I must draw your attention to these matters:

1. **There is no ambiguity at all about the position of English Heritage regarding the site of the battle of Fulford.** This is taken from their internal document, EH Doc BP2012/3/E dated 2 Feb 2012

“On the grounds of probability Germany Beck appears to be the most likely location for the battle. Jones' interpretation of the course of the battle is plausible and is the best fit for the surviving evidence.

5.2 In relation to the forthcoming Selection Guide, it is clear that the Battle of Fulford is of sufficient historical importance for inclusion in the Register. On the basis of probability, Germany Beck can be identified as the location of the Battle of Fulford and on the basis of Jones' interpretation, a reasonable boundary could be identified focusing on the line of the Germany Beck. It is worth noting that the combination of evidence and reasoning here differs little from that used to determine the location of the registered Battle of Maldon.

*5.3 Inclusion in the Register is not obligatory. To include Fulford in the Register at this stage would raise the temperature of discussions regarding the detailed planning application. **Following forthcoming development of the site, the site would be very unlikely to merit inclusion in the Register.***

5.4 Given the planning history of this site, EH is currently considering responding to the request to Register with advice which recognises that Germany Beck is likely to be the location of the Battle, but that, given the planning situation, refrains from adding the site to the Register.”

So English Heritage recognise that this is the site of the battle but intend to delay reviewing their designation decision until the ‘forthcoming development’ has ruined the site allowing them to say that it does not ‘merit inclusion in the Register’. This is a dereliction of their duty as guardians of our heritage and utterly cynical.

English Heritage and the academic community have addressed the evidence and recognise that Germany Beck is the location of the battle of Fulford.

2. **The Applicant's Heritage Statement (Jan 2012) does not make a single mention let alone engage in any debate about the evidence for the battle of Fulford. You should note the number of times that those advising you are archaeology have failed to engage with the facts.**

- The archaeology and analysis of the heritage landscape is the old work. EH noted in 2004 that it is irrelevant to the discovery of battlefields. Not a single piece of work in the 9 years since then have addressed this deficiency. John Oxley has declined to address the recent evidence and analysis when asked to do so.
- The applicants were asked to, and agreed to, consult me about the work required at a meeting with planning officers prior to submitting the reserved matter. They failed to make any contact or to report their failure to do as instructed.
- John Oxley issued a formal instruction for the applicants to ‘take account of’ the projects detailed in a chapter of the report entitled 'Finding Fulford'. No projects or new work were undertaken by the applicants .
- I wish to place on record that the applicants refused, and CYC officers condoned, the failure to allow discovery of battlefield evidence even when the planning guidance was changed (2008/9) which required such discovery to be mandated. This failure should have been reported to you.

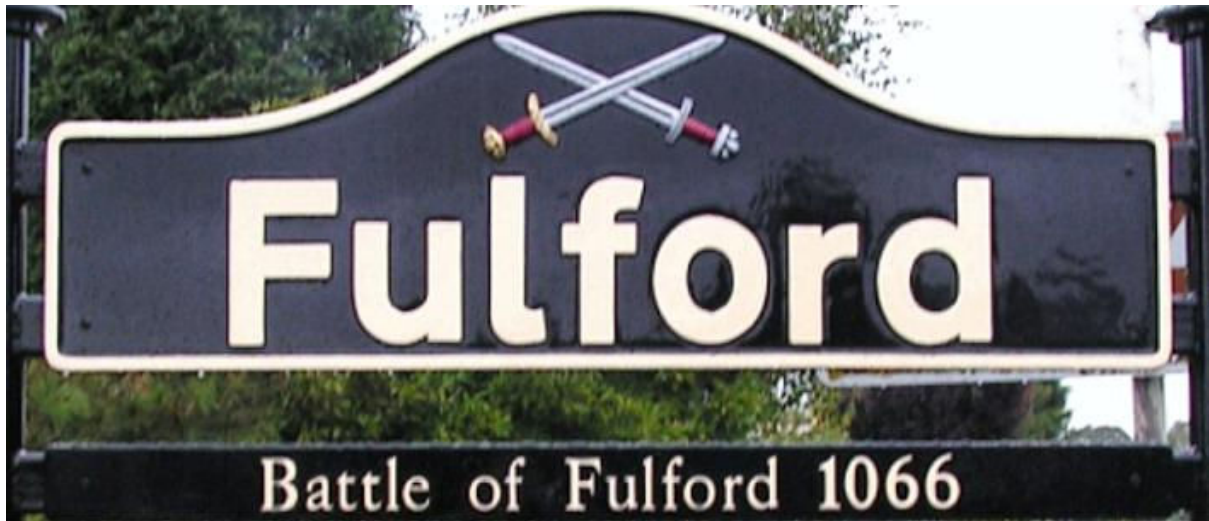
3. **There were serious failures by CYC officers in the application to Dept of Transport who were misinformed about the archaeology related to the stopping up order.**

Germany Beck reserved matters applicat.00000000

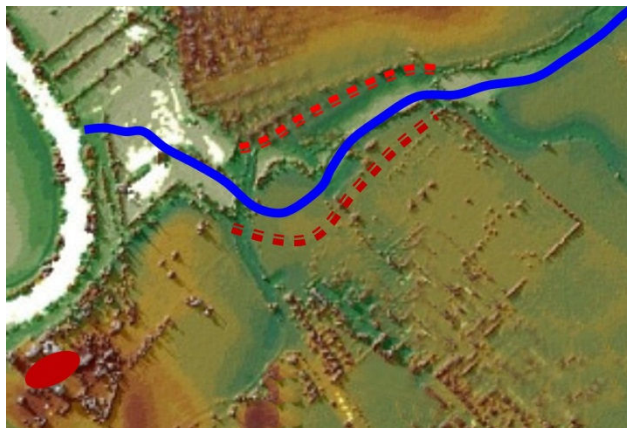
- The failure to correct this need to be challenged.
4. **I have asked various officers, and finally the Chief exec, for a clear expression of the view of CYC as to whether you recognise Germany Beck as the site of the battle of Fulford.**
 - The CYC will not be able to hide behind some carefully crafted words from John Oxley about the exact extent or similarly ambiguous expressions to provide any cover when the culpability for destroying a national treasure is finally considered.
 5. I am referred to as an interested party. I feel the term is used in a derogatory sense. The High Court has recognised that I am acting in the public interest and CYC should follow suit as my work to save the heritage of Fulford has cost me much and will earn me nothing.

Chas Jones

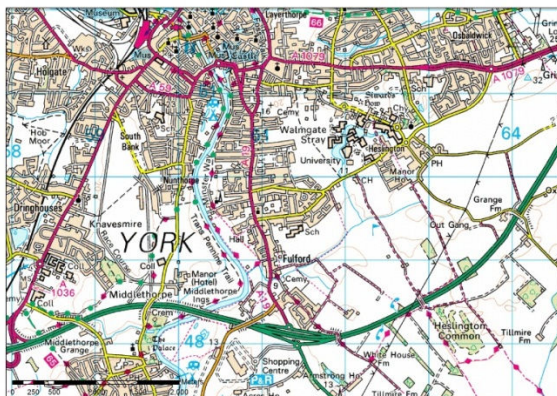
24 April 2013

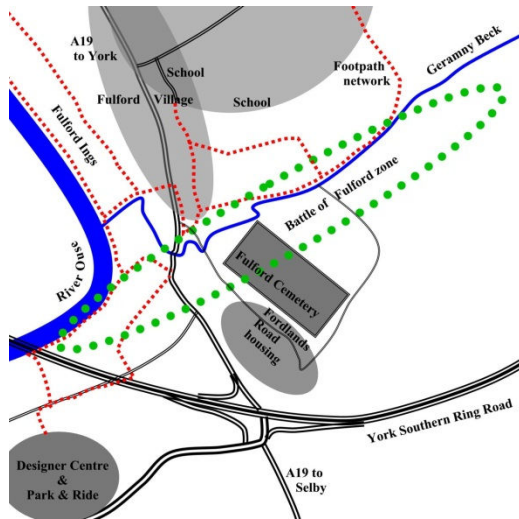


When the evidence was published the Parish Council sought permission to erect road signs to mark the location of the battle. Below is a pictorial essay of the work. The copyright for the images is Chas Jones, unless otherwise noted.



LIDAR image with armies in red, either side of Germany Beck (strong blue line shows 1066 route). English are at the top (north), the Vikings or Norse along the south side of the glacial ditch. The roundel of red (left) represents the 'best men' of King Harald hardrada which are in dead ground so those fighting at the ford (centre) would not see them. King Harald was able to cross the beck when the tide retreated in the middle of the day, exposing the levee along the bank. (River Ouse in white on left). There was nothing the defenders could do to stop them and the Norse army was soon able to surround the men in the ford, forcing them to retreat along the ditch and it was along this retreat route where we found all of the evidence of metal reprocessing.





The area is wonderfully accessible. We assemble the 'army' of schoolchildren at the Park & Ride to march to the battle, 10-15 minutes' walk away, to do battle with another 'army' on the Fulford Parish Playing field. The battle zone is covered in public footpaths (mostly paved) and there is much public land allowing every phase of the battle to be followed.



Shieldwall battle of this era were very compact – Fulford shieldwalls were about 550 m long and at Hastings about 470m. The proposal is to lay a road along the line of Germany Beck with an extensive, raised junction which will cover a third of the shieldwall. The access road would run along the beck and look down on the rest of the shieldwall, destroying the very surface on which the English stood in 1066, and preventing any view across the ditch to where the Viking army assembled before advancing across the ditch and utterly destroying the near pristine preservation of this ancient landscape. The battle of Fulford will be invisible.



This Google Earth image accessed in April 2013 shows that site of the battle is still clear of houses and the ancient channels carved during the last ice age are clearly visible.

How the false information about the overbuilding, re-landscaping and even the suggestion that the beck was constructed in the 13th or 15th century has survived and provided the basis for the published decisions of the City Council and English Heritage is hard to comprehend when it can be so easily refuted. We have even provided those responsible with the contemporary notes from the meetings where this false story was agreed. Neither party has even acknowledged that they agreed what the notes refer to as their 'story'. Demonstrably false information remains the basis for the present planning decision.

Activities

The project set out to reconstruct the landscape as this was recognised as a key to interpreting the ancient literature. This involved drilling many holes but gave us a clear picture of the land and enabled us to understand the literature. We can see why the English were slow to respond when King Harald crossed the beck – The Ings were still flooded and there was a two kilometre detour to confront them. And we could understand how King Harald’s attack came as a surprise because he would have been in dead ground. Plus the way the muddy ford at the centre of the battle had evolved became obvious and we have an explanation for why material left after the battle would have been buried.



We did most of our work in winter which was cold, hard work. The team had ‘dirty workers’ who extracted the core and ‘clean hands’ that took down what we found.

Here we are mapping the extent of a charcoal pit we had identified just about a metre below the modern surface.



Taking a deep core on Fulford Ings – The Ings are a permanently waterlogged zone beside the river Ouse (which is beyond the treeline in the distance). These soil samples demonstrated that the battle could not have been fought here as it was wet in 1066. We did not know where the battle was fought when we started the project so the search was extensive. But, once Germany Beck had been identified as the location of the battle, this ancient marsh did fit the description of the battle found in the literature

When the going got tough, we turned to Leeds University for help. Their power auger could drill down 7 metres and could cut through the boulder clay layer. Driving the drill in was the easy part. The hard work came when we had to extract the core, especially if it was embedded in the clay. This borehole was at the very centre of what we were able to identify as the ancient ford – you can still see a number of modern paths and tracks that point directly towards this crossing place.





Shooting a piece about charcoal making, Viking style, with Horrible Histories man Terry Deary. We had discovered several possible charcoal pits near the big metal re-cycling hearths beside Germany beck. But could we make charcoal, using the technique employed by the Norse ironworkers at that time, within the 5 day timeframe allowed by our knowledge of the historic events? We were extracting charcoal within 24 hours. These sites are still awaiting a full investigation and dating.

This is a Norse-style, tanged arrowhead that is part made. The exceptional aspect of the Fulford site is that it is a moment frozen in time, rather like Pompeii. At Fulford it was the arrival of King Harold from defending the south coast and the utter destruction of the Vikings which we surmise led to so much material being abandoned, which the tidal flooding quickly buried.



Before and after conservation.(YAT photo)



This was one of a number of axe-shaped 'lumps' identified. Swedish scholars identified these as 'billets', which is the first stage in the manufacture of axes. The tools capable of making the shaft and inserting the cutting edge have been found in Scandinavia. Finds such as this are rare. In the normal course of events, the billets would be turned into finished weapons and removed from the battle site.

But this fitted the picture that emerged as an extensive collection of billets was located along with tools and hearth debris in several small areas beside the beck. These unique assemblages very strongly suggests that we have found the place where weapons were gathered after the battle and the job of making new weapons and consolidating the valuable iron into tradable billets was undertaken.

Why did they survive at Fulford? We know from the historic record that the Norse army was wiped out five days after the battle. This might explain why so much material was abandoned at Fulford in

a pattern not found elsewhere. No other battle has so far yielded this type of find and it is only the historic and landscape setting that has ensured their survival.

All these metal items were found on or very near the surface. Permission to revisit the areas of the hearths to carry out more work and look for dating evidence was refused. There are no plans to undertake a proper investigation of these areas.

The city archaeologist, John Oxley and the developer's archaeologist, Paula Ware, have so far deployed their professional credibility to deny the relevance and the latter has never acknowledged the existence of the 150+ items related to the hearth areas. I assume their rationale is 'if they don't exist, there is nothing to investigate'. Neither archaeologist has approached me to inspect or offered to help assess any of this material.

Billets, tools and hearth debris

Billets came in several shapes and sizes. Nearly all were triangles, rectangles, cylinders or shapes to a function such as arrow, axe, horse-shoe nail, boat rivet with a very few unshaped pieces.





At the centre of each assemblage was a 'smithing hearth bottom'. This is a lump that forms in the bottom of a smithing hearth where items are heated prior to being beaten into shape (or forge welded, which we think was the main activity at these hearth because of the nature of the slag and type of find recovered.) They ranged in size as the examples above illustrate.



We found ceramic material coated with a 'glaze' that is characteristic of hearths. The lump on the right has a texture and colour of tuyères samples examined in Swedish museum store-rooms, such as Lodese. This might suggest that these components of a hearth were brought with the invading army and we could undertake an interesting investigation if we were allowed to recover more of the hearths by excavating the area.

We collected more metal-working tools along Germany beck than have been recovered on all of the meticulous excavation within York, including several metal working areas (eg Blue Bridge Lane).

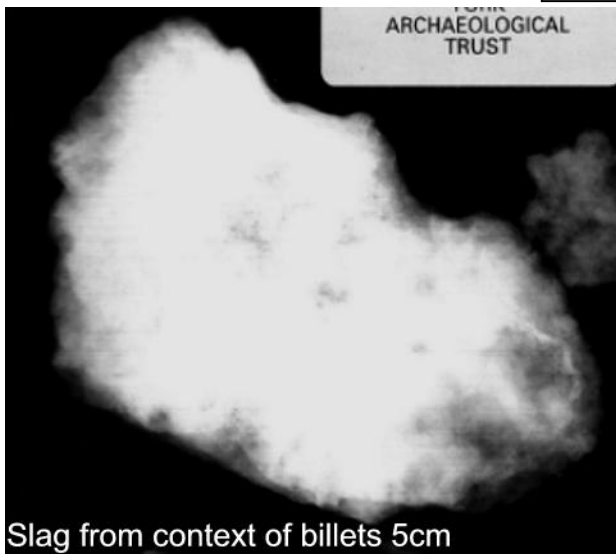


What accounts for this? The suggestion offered here is that the workers 'did a runner' when they heard that their base at Riccall was under attack and their leader, King Harald, had been killed at Stamford Bridge.



This collection of anvils is so far unique in England. They were driven into a log and provided the surface on which hot metal was beaten into shape. The small image left shows a reconstructed hearth with anvils of different size and shape driven into a log.

The pattern we found match those found in the few catalogues that exist from Russia and Poland.



Extensive quantities of slag were recovered around the hearth areas. This is important as it very strongly suggests that the hearths are in their original position since we always found the hearth items and billets together. This class of item was not found elsewhere, and we searched a wide area in our hunt for the battle of Fulford, so there was plenty of evidence to use for this comparison.

We ignored the stone material until very late in the project. But when we examined it we found these three hones, used for sharpening metal.

They all came from the recognised hearth areas!



It is hard to overstate the importance and archaeological potential of this area. It will enhance our understanding of metal-working as the activity was effectively frozen in time. It will help confirm the location of the battle and add explain why there is so little debris found on other battlesites of this era.

A major cultural (and environmental) crime is about to be perpetrated.

City of York Council must be forced to address the facts.

A word about water voles



Germany Beck is, or rather was, an excellent habitat for water voles. They were constant companions when we were mapping the base of the beck looking for fording places. We were very careful not to disturb the bank and avoided work in the summer because it is illegal to interfere with their habitat.

I reported their existence and even appealed to the chief executive of York City Council to put in place some protection when my appeals for action were ignored by the council officers. When one colony was destroyed, as I had feared it would be, I reported it to the police who investigated and identified the culprit. However they were not prosecuted. (Full details of the correspondence are on the fulfordbattle.com website).

A year later I reported that an area nearby had survived and was recolonizing the area.

But six months later both banks were completely dug out and the habitat completely destroyed. You can just make out the surviving matrix of tunnels going into the bank in the image below.



Should I report the location of the one surviving colony of water-voles in the hope that the City Council will now do their job? After all, it is illegal to disturb their habitat and they should not allow development here without significant mitigation. But I have learned to have no trust at all in the integrity of the City of York Planners; so I am not registering the location of the surviving water-vole habitat. Sadly they will also be destroyed if the road is built.

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COMMITTEE REPORT

Date: 25th April 2013 **Ward:** Wheldrake
Team: Major and **Parish:** Wheldrake Parish
Commercial Team Council

Reference: 12/03385/FULM
Application at: North Selby Mine New Road Deighton York YO19 6EZ
For: Demolition of existing buildings and re-profiling of bunds and areas of the former mine, construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse and associated infrastructure and works
By: Mr Richard Barker
Application Type: Major Full Application (13 weeks)
Target Date: 6 February 2013
Recommendation: Approve

1.0 PROPOSAL**SUMMARY**

1.1 The application seeks full planning permission for the co-location of a 60,000 tonnes a year anaerobic digestion facility (AD) and a horticultural glasshouse facility with associated works, at a former satellite mine site on the edge of the City's administrative boundary, close to the settlement of Escrick. The AD element of the scheme constitutes EIA development and, therefore, the application is accompanied by an environmental statement. The application has been subject to a pre-application public consultation process and has been consulted upon post submission. The application has been strongly opposed by the local community.

1.2 The National Planning Policy Framework advises that planning proposals should be approved where the development plan is absent, silent or out-of-date unless the adverse impacts significantly and demonstrably outweigh the benefits of the scheme. The adverse impact of the scheme has been identified as the potential harm to human health due to the increase in HGV movements on the access road. The benefits of the scheme are the benefits to climate change through the generation of renewable energy and the diversion of waste from landfill as well as the potential for job creation. Officers consider that, in this instance, the identified adverse impacts do not significantly and demonstrably outweigh the benefits offered by the scheme. The application is, therefore, recommended for approval, subject to conditions.

SITE

1.3 The application site is located approximately 6 miles south of York city centre, on the edge of the City's administrative boundary, and between the settlements of Wheldrake, Deighton and Escrick. It extends to 23.3 hectares and comprises an abandoned satellite mine site that was part of the former Selby Mine Complex (see history below).

1.4 Within the site is the former pithead area (approx. 9.8 hectares) with associated colliery buildings and hardstanding areas, along with the bunded areas that immediately surround them and the access road. The area of landscaped bunds to the south of the pithead, which is largely within the Selby District Council administrative area, falls outside the application site.

1.5 Access to the site is via the existing roadway that is approx. 1.7km long and runs westwards to join the A19 north of Escrick. A public right of way (PROW) between Escrick and Wheldrake, passes the site along its western site boundary, cuts across the site at the site access and then along the lane that runs adjacent to the northern site boundary. A watercourse referred to as Bridge Dyke crosses the site at its western point. The site lies within Flood Zone 1 in the main, with an area of approximately 2 hectares adjacent to the access to the site and the watercourse that the access road crosses, being classified as Flood Zones 2 and 3. The area of land to the south of the existing colliery apron and buildings is a designated site of importance to nature conservation (SINC). The following residential properties are located around the site:

- Sheepwalk Farm and Cottages to the north of the site, separated from the site by the lane that runs along the northern site boundary;
- Spring House Farm, which is located on the south side of the access road, at a distance of m from the site entrance;
- Warren House Farm to the east of the site, accessed via the lane that runs along the northern site boundary past Sheepwalk Farm;
- Chequer Hall Farm lies to the south of the site with its associated fields extending up to the site boundary;

SITE HISTORY

1.6 North Selby was one of six mines that made up the Selby Mine Complex. Five of the six, including North Selby, were satellite sites where labour and machinery were transported underground by shaft to work the coal face. The worked coal was extracted at the main site, Gasgoine Wood, before being distributed nationally.

1.7 Planning permission was granted for the extraction of coal from the Barnsley Seam in 1976 with outline consent for the North Selby Mine itself being granted in 1978 (ref. C/8/999/18/PA) and reserved matters approval for the mine buildings and

landscaping being granted in 1981 (ref. C/8/999/18G/PA). This was following grant of consent by the then minerals planning authority, North Yorkshire County Council, and a public inquiry. Full production at the site commenced in 1991 and ceased in 1999. The use of the site for mining purposes was abandoned in 2000 following the removal of the mine shaft machinery and the capping of the shafts.

1.8 The outline planning permission was subject to a condition requiring the restoration of the site to a condition capable of agricultural production following the cessation of the use of the shafts for the conveying of miners and equipment (condition 15). This was repeated in the reserved matters approval (condition 8). No restoration or removal of the buildings on site other than the shaft cages and winding houses have been carried out by the land owner, UK Coal, and the buildings have been used initially by an organisation called Project Rich-Seam for the re-training of former miners and then by Network Rail for the training of its staff.

1.9 A planning application was submitted by UK Coal in 2000 for the retention of the former mine buildings and reuse of the site for B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) purposes by the non-compliance with the restoration condition (ref. 00/00680/FUL). This application remains undetermined.

1.10 In 2010, the Council sought independent legal advice from an external planning barrister with regards the validity of the condition following discussion with the land owners. This advice stated that the condition was unenforceable in its aim of agricultural restoration because the wording of the condition was not specific and did not require a time period within which the scheme for restoration should be implemented. The advice did state that the second part of the condition, which required the removal of all plant, buildings and machinery within 12 months from the date the mine shafts were last used for conveying miners and equipment to work the Barnsley Seam, could be severed from the full restoration requirement of the condition and was therefore enforceable.

1.11 In light of the legal advice, the Council took the decision to enforce against the failure to comply with condition 15 of the outline consent and condition 8 of the reserved matters in respect of the non-removal of the plant, buildings and machinery, but not against the condition in full. An enforcement notice was served in April 2011 allowing a two-year time period for compliance. The land owner appealed the notice and the consideration of the case is to be dealt with by public inquiry. This inquiry, due to take place in November 2011, has been put in abeyance by the Planning Inspectorate until this planning application has been determined.

1.12 Pre-application discussion has been held with the landowners in respect of different schemes for reuse and redevelopment of the site since prior to the closure of the site for mining purposes. In more recent years, discussion has taken place on the reuse of the site for, firstly, a renewables energy centre with partners Peel Environmental and Science City York and, secondly, a plasma gasification plant by Peel Environmental. The first proposal did not proceed to an application because Science City York withdrew from the scheme. The second proposal did not proceed to an application, though a scoping opinion was requested from the Council, due to issues with noise from the plant.

1.13 A screening/scoping opinion was requested by the applicant in 2012 (ref. 12/01914/EIASP) as to whether the application was an Environmental Impact Assessment (EIA) development. The Council's view was given that the proposals were indeed EIA development and an opinion on the scope of an environmental statement to support the application was provided following consultation with relevant bodies as set out in the EIA regulations (see paragraph below).

PROPOSAL

1.14 The proposal involves the removal of the existing buildings and structures on site, with the exception of the existing substation, and, following removal, the erection of an anaerobic digestion combined heat and power facility (Energy from Waste) and a horticultural glasshouse. The two elements would be operated independently, but are proposed to complement each other through the use of electricity and heat generated by the AD facility by the horticultural business. The AD facility and glasshouse operation would comprise the following:

Anaerobic Digestion Facility

1.15 The 60,000 tonnes facility would extend to approximately 6,195 sqm of gross floorspace and would consist of a process building, tank farm and combined heat and power building, along with auxiliary components and associated weighbridge and kiosk, cycle and car parking and service yard. The main elements are:

1.16 Process building - proposed as an externally cladded portal framed structure approximately 2,566 sqm in floor area and 12m in height above finished floor level. It would accommodate odour control equipment with a 15m high stack, a pre-preparation area and welfare facilities. The external finish would be silver grey cladding with a darker banding and louvres to the sides with a green clad roof; Tank Farm - would comprise one sanitation tank, two digester tanks and 3 storage tanks with respective heights of 10m, 15m and 18m; Combined Heat and Power (CHP) plant - a separate building of similar construction to the process building and of approximately 9.5m in height above finished floor level with a maximum 22.5m high

stack; Auxiliary components - include a 12m high biogas holder, 10m high removal unit and 8m high gas flare.

1.17 The facility would operate continuously. It would be operated by 6 full time staff working shifts between the hours of 05:00 and 20:00. Delivery of organic matter and movement of outgoing materials is proposed to be restricted to daytime hours of 07:00-19:00 Monday- Friday, 07:00-13:00 on Saturdays and only in emergencies on Sundays and Bank Holidays.

1.18 The facility would have the capacity to receive 60,000 tonnes per year of source segregated organic municipal, commercial and industrial food waste and agricultural waste. The waste would be delivered to the enclosed process building and following pre- treatment (shredded/pulped/non-biodegradables removed) would be pumped to hydrolysis tanks before being transferred to the digester tanks. Biogas and a digestate consisting of a liquid and solid by-product would be produced. The digestate would be pumped to the sanitisation tank in order to comply with UK legislation on the treatment, handling and disposal of animal by-product. Following dewatering, the digestate would be collected and used as a fertiliser. The Biogas (40% carbon dioxide and 60% methane) would be piped to the gas holder and used in the CHP where it would be combusted to recover energy in the form of electricity and heat. It is anticipated that approx. 2.75MW of electrical energy would be produced. This would be used to power the AD plant with the remaining supplied to the grid via the existing on site grid connection and to the horticultural glasshouse. An auxiliary flare stack is proposed to burn surplus biogas or when the CHP is not functioning. Heat from the combustion process would be used to maintain the temperature of the AD process with the remaining heat used to heat the glasshouse.

Horticultural Glasshouse Facility

1.19 The glasshouse would cover an area of 51,210 sqm and would comprise a series of monopitch structures with ridge heights extending to 7m above the floor slab. The floor slab would be raised 350mm above the surrounding ground. The glasshouse would be occupied by an existing horticultural business currently with premises in Howden, East Yorkshire, that propagates plants to supply professional growers in the UK and Europe. The business would employ in the region of 50 staff working 06:00-16:00 Monday-Friday and only occasionally on Saturdays, Sundays and Bank Holidays. The number of staff could increase by up to 50 additional workers per day during the busiest period, which is the 3 month period between mid-November to mid- January. Deliveries and export of plants is proposed to be restricted to daytime hours between the hours of 06:00-16:00 Monday-Friday, with occasional deliveries on Saturdays, Sundays and Bank Holidays during busy periods. The glasshouse would utilise electricity and heat from the AD facility, though would have a back- up boiler. Lighting would be required in the glasshouse to facilitate plant propagation and safe operation. It is proposed to install light blinds

to the roof and the side of the glasshouse where required, which would be closed when the lighting is in operation during hours of darkness.

Environmental Impact Assessment and other supporting documents

1.20 The AD element of the proposal is considered to be EIA development as it falls within Schedule 2 11(b) Installations for the disposal of waste of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs) and because of the size of the site exceeds the relevant threshold of 0.5 hectares, the likely capacity of the facility exceeds 50,000 tonnes per year of commercial, industrial and municipal food waste and agricultural waste, the environmental sensitivity of the site in this rural area and the potential the development has to give rise to significant environmental effects.

1.21 The Council provided a screening and scoping opinion in July 2012 (ref. 12/01914/EIASP), confirming that an environmental statement (ES) was required and setting out the scope of this statement, following consultation with the statutory bodies as outlined in the EIA Regs. The ES included assessments of the following areas: socio-economics; lighting; landscape and visual; transport and access; air quality and odour; noise and vibration; flood risk and drainage; geology, soils and hydrogeology; and, ecology and nature conservation.

1.22 In addition to the ES, the application is supported by a Planning Statement, Design and Access Statement, Need Assessment, Flood Risk and Drainage Assessment, Transport Assessment, Travel Plan Statement, Site Waste Management Plan, Consultation Assessment Report, Sustainability Statement, Geoenvironmental Desk Study, Alternative Sites Assessment and drawings including existing and proposed plans and cross-sections, elevation drawings, landscape strategy plan and illustrative views. Reference to these will be made in the appraisal section of this report.

1.23 Consultation Assessment Report - This gives a summary of all consultation prior to submission of the application. It concludes that a comprehensive pre-application consultation on the proposal was undertaken by the applicant, providing an opportunity for local residents, stakeholder groups and elected representatives to engage in the process. It explains that changes have been made to the scheme as a result of the consultation programme including modification of the layout to enhance the buffer area, lowering of the AD plant digestate tanks to create a more compact facility and a reduction in the floor area of the glasshouse.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYSP2 - The York Green Belt

CYSP6 - Location strategy

CYGP1 - Design

CYGP4A - Sustainability

CYGP4B - Air Quality

CYGP5 - Renewable energy

CYGP6 - Contaminated land

CGP15A - Development and Flood Risk

CYNE5A - Local Nature Conservation Sites

CYNE5B - Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

CYNE6 - Species protected by law

CYNE7 - Habitat protection and creation

CYGB1 - Development within the Green Belt

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was originally publicised in the local press, by the posting of six site notices at the site entrance and in the surrounding area and notification letters were sent to statutory bodies, the three surrounding parish councils and to those properties with adjacent boundaries. The initial consultation period expired on 20 December 2012.

3.2 Further information to the EIA was submitted by the applicant in response to comments raised. This was publicised in the press and notification sent to the relevant statutory consultees to which the information related in accordance with EIA Regulations on 27 March 2013. The consultation period expired on 17 April 2013.

INTERNAL

INTEGRATED STRATEGY UNIT

3.3 The proposed development is in line with the EU Directive in terms of the aim to make Europe a recycling society that seeks to prevent the generation of waste.

3.4 Paragraph 89 of the NPPF states that the construction of new buildings is considered inappropriate in the Green Belt but identifies that exceptions to this include 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.' There are disused buildings currently on the site indicating previously developed land, and therefore the proposal would not constitute inappropriate development in the Green Belt as it is considered that they will not have a greater impact on the Green Belt. In addition, the NPPF recognises that 'buildings for agriculture and forestry' are not inappropriate development in the Green Belt and therefore the proposed horticultural greenhouse that will be used for the propagation of plants such as tomatoes are an appropriate use within the Green Belt.

3.5 Policy GB1 of the 4th Set of Changes to the Local Plan indicates that planning permission in the Green Belt will be granted as long as the scale, location and design of such development would not detract from the open character of the Green Belt, and it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City of York; and the proposal complies with one of the listed appropriate uses of which the disposal of waste is one of these permissible uses. The DM Officer must be satisfied that the proposal complies with all of the policy criteria mentioned above.

3.6 Paragraph 98 of the NPPF indicates that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy. However the applicant has indicated that the AD facility will help towards the Council's renewable energy targets as set out in the AEA Evidence Base report. In addition it would divert municipal food waste, commercial and industrial organic waste and agricultural waste away from landfill, indicating the need for the proposed development.

3.7 In conclusion, in accordance with the NPPF, both the AD facility and the glasshouses are not identified as inappropriate development in the Green Belt and therefore, from a policy perspective, this proposal is supported.

FLOOD RISK MANAGEMENT TEAM

3.8 States that the development is in low risk Flood Zone 1 and greater than a hectare and proposed access is in medium/high risk Flood Zone 2/3. Therefore, a Flood Risk Assessment should be submitted for approval to the Environment Agency. From a surface water discharge point of view, the team has no objections to the development in principle. The Team requests conditions about foul and surface water drainage works.

ENVIRONMENTAL PROTECTION UNIT

3.9 The Environment Agency has advised that the site will need to operate under a bespoke environmental permit issued by them, as the proposed anaerobic digester and CHP facility will involve a combustion activity and disposal of waste activity as defined under the Environmental Permitting Regulations. Such a permit will be used and enforced by the Environment Agency to ensure that best available techniques are used to minimise emissions to land, water and air. In addition, other environmental impacts such as energy efficient, waste reduction, raw materials consumption, odour, noise, vibration and heat will all be controlled by condition through such a permit. To date, no environmental permit application has been made. As a permit is required, the presumption in planning is that any such site will be operated in accordance with the requirements of any such permit to adequately control any environmental impacts from the AD and CHP. As a result, further regulation via condition in the planning permission, if granted, is not necessary.

3.10 However, observations are made in terms of the demolitions and construction phases of the development and the operations of the development not covered by the permit such as the glasshouses. Overall, no objection is raised, subject to conditions.

3.11 Noise: Requests a condition to cover noise, dust and lighting from the construction phase of the development, which are identified as having the potential for major to significant adverse impacts but are of limited duration. Considers the principle noise sources during the operational phase to be from deliveries and traffic noise, the service yards and plant/machinery at the two facilities, individually and cumulatively. Detailed consideration of the noise levels is outlined. Overall, the development would lead to an increase in noise at the nearest four dwellings. The level of increase would vary from hour to hour at each of the properties, however, the levels of noise are predicted to fall within the World Health Organisation and BS8233 noise standards. Requests a condition to minimise loss of amenity due to traffic noise, service yard noise and plant/equipment noise.

3.12 Odour and emissions: The proposed AD facility will be operating under a permit issued by the Environment Agency and so odour will be adequately controlled via conditions contained within the permit. Operations will be undertaken in enclosed buildings operated under negative pressure.

3.13 Lighting: This needs to be considered in terms of nuisance and loss of amenity. The site falls within Environmental Zone 2 (Rural), as specified in the Institute of Lighting Professionals Guidance Notes. However, as background lighting levels are low, suggests that the site currently experiences lighting levels normally found in E0 and E1 Zone (Protected or Natural). As a result, it is recommended that the lighting levels from the site comply with the requirements specified for the E1 zone post curfew of 23:00 hours. Temporary construction lighting is not anticipated to result in light intrusion or loss of amenity and will be restricted to the hours during which such activities are undertaken via condition. Satisfied that the lighting from the proposed development would be unlikely to result in loss of amenity subject to conditions to mitigate against the potential adverse impact.

3.14 Contaminated Land: The ES concludes that significant soil contamination is unlikely to be present at the site, but localised contamination hotspots related to the historic land use and buildings may be encountered and elevated levels of ground gas could pose a potential risk to the development. Further investigation works should be undertaken to fully character the site and remedial work should then be undertaken to ensure that the land is suitable for the proposed use. Conditions requested.

3.15 Air Quality: Atmospheric emissions from industrial processes are controlled through an environmental permit. During construction and demolition phases the main effect would be dust emissions and the potential to cause dust annoyance, risk to human health and harm to ecological receptors. Providing suitable mitigation measures are implemented, the dust could be controlled to a suitable level. The stack height has been chosen to provide adequate dispersion of emissions whilst also minimising visual impact. It is not anticipated that the proposals would give rise

to an increase in flow of more than 1000 vehicles or 200 HGV movement per day and based on air quality guidance the significance of the operational phase traffic emissions is therefore considered negligible. There is no specific legislation regarding acceptable or unacceptable odour levels. The Council's Low Emissions Strategy is highlighted and an informative is requested.

3.16 Conditions requested with regards to: a construction environmental management plan to cover noise, dust and lighting during construction phases; noise associated with plant, machinery or equipment associated with the glasshouses; lighting in the glasshouses; contaminated land; and, air quality, specifically a minimum stack height of 22.5m.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE)

3.17 The AD complex, whilst of significant overall height, would be compact in nature and the chimney stacks would be relatively slim. The surrounding woods, in particular Spring Wood, and the natural and proposed topography and planting provide sufficient visual mitigation of the development in the context of the larger landscape. The additional mounding would be noticeable in the immediate landscape as experienced from New Road PROW and neighbouring properties. Nonetheless, the proposed topography and planting would provide an effective screen of the glass houses from adjacent properties. Some degree of sky glow will affect views during hours of darkness, but the lighting and other measures have been designed such that this will be 'negligible'.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.18 The Council's Ecologist agrees with the overall assessment for the Phase 1 Assessment and Chapter 15 of the EIA regarding Ecology, though highlights some inaccuracies that need to be addressed. Following a response from the applicant's ecology consultant, the officer is happy to accept the clarifications made.

3.19 Requests mitigation for the SINC to secure the long term protection and facilitate the enhancement of the SINC site. This would be primarily through controlled grazing and would require the site to be securely fenced for grazing and a management plan prepared and implemented to facilitate the grazing regime. Grazing would require hardy breeds that would open up the sward and control continued scrub invasion and would need to be for the whole SINC site. The site would also provide an excellent community facility if some form of visitor access could be secured.

3.20 With regard to the additional planting within the SINC requested by the Landscape Officer, an open grassland/scrub mosaic would be feasible and could be beneficial in wildlife terms.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (SUSTAINABILITY)

3.21 Broadly supportive of the scheme given its potential to generate low and zero carbon energy, reduce waste arising and contribute to meeting York's challenging carbon reduction targets (40% reduction by 2020; 80% reduction by 2050).

Suggests three ways in which the proposals can be further strengthened: firstly, inclusion of a statement in the Travel Plan setting out that where feasible contract workers will access the site via bus and/or mini-bus; secondly, on-site training and technology specific training where feasible; and, thirdly, clarification as to when the potential for rainwater harvesting is to be explored.

HIGHWAY NETWORK MANAGEMENT

3.22 Note that the application has been supported by both a Transport Assessment and a Travel Plan Statement, the scoping of which has been agreed with officers and due to the lack of survey data within nationally recognised programs (TRICS database) information relating to traffic generation has been supplied from the applicants based upon experience of the operation of similar facilities.

3.23 Due to staff shift patterns and the expected hours of operation of both uses the vast majority of the vehicular traffic associated with the proposed development will occur outside of the traditional network AM and PM peak periods when traffic volumes on the A19 and adjacent highways will be at their greatest. These time periods are used for the purposes of assessing the impact of development as the highway network is at its most sensitive and the greatest impact will be seen. The potential increase in traffic during the peak network periods is in the region of 8 vehicular movements. This will not have a material impact and will barely be perceivable when considering adjacent traffic flows on the A19.

3.24 Staffing levels for the AD facility are negligible (approx 6) with greater levels of staff required for the glasshouse (approx 50).

3.25 HGV movements are split between those associated with the AD Facility and the Glasshouse. The greater level of HGV traffic will be generated by the AD facility (70 daily movements) with only negligible HGV traffic flows associated with the glasshouse (14 daily movements). The TA has been based upon a worst case scenario which estimates the level of HGV movements during the busiest periods of operation of the facility and assumes that HGV's with a smaller payload are used resulting in a higher number of total HGV movements. The worst case scenario of peak operation of the site will only be for 1-2 months a year and outside of this period HGV movements will be lower. Under the worst case scenario the whole site could be expected to generate a total of 88 HGV movements over a 12 hour day. This equates to approximately 3-4 trips in and 3-4 trips out per hour (7-8 movements

per hour). This level of movements is very low and will not have a material impact on the operation of the junction of New Road and the A19 or on A19 traffic flows.

3.26 The accident history for the A19 in the vicinity of the site access junction has been investigated. This has not identified any accident clusters nor pattern/frequency of accidents which could be exacerbated by the anticipated increase in traffic flows or movements generated by the development.

3.27 A concern of a number of objectors/residents relates to the ability of traffic, particularly articulated HGV`s, to turn right onto the A19. The junction has been designed and constructed using Highways Agency (government approved) standards. Vehicles turning right into the site will be able to wait within the island area, clear of through traffic. Traffic leaving the site will be able cross the Southbound traffic stream and wait within the island area before joining the Northbound flow with the exception of articulated HGV`s. Articulated vehicles will need to wait for a sufficient break in traffic flow before turning right in one manoeuvre. This is an accepted approach and can be beneficial. When articulated vehicles wait within central reserve islands the angle can make it difficult for the driver to see approaching traffic as it is over their left shoulder. It is therefore sometime safer for drivers to wait and complete the right turn in one manoeuvre.

3.28 The visibility available for vehicles leaving the site and turning right is in accordance with national standards and as such will enable a driver turning right time to assess the speed of approaching traffic and complete a manoeuvre whilst also allowing traffic travelling along the A19 enough forward visibility to see turning vehicles.

3.29 Notwithstanding the above comments the anticipated level of articulated movements is low and when this is further broken down into the total number of vehicles expected to turn right (2-3 per hour) officers do not consider that there are any grounds to raise an objection on safety, traffic generation or capacity grounds. This view is also supported by the visibility achievable at the junction and no identifiable accident pattern.

3.30 The site is in a rural location but has previously been used for high levels of employment. It is accepted that such a location will make sustainable travel a limited option for many staff and visitors. Given the specific nature of the proposed use of the site and requirements the remote location is considered to be acceptable in travel terms. In order to maximise the potential for sustainable travel to occur the application has been supported by a Travel Plan Statement setting out measures that can be implemented to maximise non car access whilst at the same time acknowledging the location. Such measures include incentives to encourage car sharing and the use of a minibus to collect seasonal workers associated with the glasshouse.

3.31 No objections are raised subject to the standard conditions relating to vehicle and cycle parking provision and the implementation of the Travel Plan Statement.

ECONOMIC DEVELOPMENT UNIT

3.32 Strongly supports the application in question based on the potential of the project to create jobs and economic growth in a key growth sector for the local economy.

3.33 Bio-science is identified as a key growth sector for the city in the York Economic Strategy and support is provided through Science City York. The 2011 Future of Business report by HSBC identifies York as a Biotech centre for the future. The wider economic benefits from the project will contribute to growth and innovation in the Agri-food and associated technologies industry across the York and North Yorkshire economies. Agri-food has been identified as a nationally and potentially internationally leading strength of the York and North Yorkshire sub-region, and as such the proposed development could contribute to the critical mass in this industry and position the city to gain further supply chain benefits from these sector strengths.

3.34 In order to ensure that the potential economic benefits of the application are fully realised, it is recommended that a supported skills and training programme from the applicant would be desirable, with the potential for a local apprenticeship programme.

EXTERNAL

COAL AUTHORITY

3.35 Pleased to note that the applicant has obtained appropriate and up to date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report accompanying the application. The Report correctly identifies that the application site has been subject to past coal mining activity. The Desk Study concludes that the mine entries have been treated and therefore pose a low risk to the development. Whilst development over such features is not usually appropriate, the glasshouses are a lightweight structure and the Study states that further consideration of ground conditions and foundation design will take place prior to development.

3.36 Considers that the content and conclusions of the Geo-Environmental Desk Study report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for proposed development. Further more detailed

considerations of ground conditions and/or foundation design will be required as part of any subsequent building regulations application.

NORTH YORKSHIRE POLICE

3.37 cCould not initially support the application as the developer had not demonstrated the potential for preventing crime had been satisfactorily addressed. Further information was requested to demonstrate that crime and the potential for sabotage has been fully considered. In light of this additional information, the Police no longer have any concerns or issues as it is considered that the applicant has now clearly demonstrated how crime prevention measures have been considered in respect of their proposal.

ENVIRONMENT AGENCY (EA)

3.38 No objections to the proposed development. Confirms that the development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency.

3.39 With regards flood risk, the Agency states that the scheme is only acceptable if the measures detailed in the Flood Risk and Drainage Assessment are secured through a planning condition.

3.40 Offers advice to the Local Planning Authority on flood risk: To ensure that their own drainage engineers and IDB agree to the proposed rate of discharge before issuing permission and that the detailed design of the surface water drainage scheme be agreed before development commences. To formally consider the emergency planning and rescue implications of new development in making decisions where warning and emergency response is fundamental to managing flood risk.

3.41 With regards biodiversity, it considers that the proposals will have a negligible impact upon the local ecology, and may provide ecological enhancement through the provision of new habitat. However, there are currently protected species (great crested newt) and sensitive habitats on site, for which any risk needs to be adequately mitigated throughout the construction phase. The Agency has no objection, subject to the inclusion of a condition covering a construction management statement.

3.42 Welcomes measures outlined within the proposal for the recycling of rainwater, dewatering of digestate and reuse of this process water and Sustainable Drainage Systems.

3.43 Support the underlying concept of landfill diversion and using waste as a resource, the co location of a user for energy produced is a good sustainable solution. It is important that the facility can be sustained whilst respecting the first line of the waste hierarchy to prevent the creation of waste. The method used to assess availability of feedstock is reasonable, though data for commercial and agricultural waste streams is less reliable as it is not recorded.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD (IDB)

3.44 The site is within the Drainage Board's area and adjacent to Board maintained watercourses - Bridge Dyke and Halfpenny Dyke. Consent is required for any development within 9m of the bank top of any watercourse or for any culvert, bridge, fill in or discharge. The Board advises the Authority to be satisfied that surface water drainage has been satisfactorily provided for. It seeks any discharge to be regulated to that of a Brownfield Site (140l/s - 30%). The Board notes that surface water is to be discharged to existing watercourses. It recommends a condition relating to surface water drainage works and informatives about maintenance and Board's consent.

NATURAL ENGLAND

3.45 Natural England advises that the Authority can conclude that the project is not likely to adversely affect the integrity of the Lower Derwent Valley Special Area of Conservation, Lower Derwent Valley Special Protection Area, Lower Derwent Valley Ramsar, River Derwent Special Area of Conservation and Skipwith Common Special Area of Conservation. Subject to the proposals being carried out in strict accordance with the details submitted, advise the Authority, as Competent Authority, that it can be ascertained that as this application will not adversely affect the integrity of the European designated sites and therefore it does not need to undertake further stages in the appropriate assessment process.

3.46 The proposal is not within close proximity to any Site of Special Scientific Interest or nationally designated site for nature conservation.

3.47 Natural England does not object to the proposed development. It is likely that the development will affect Great crested newt through loss of habitat and construction impacts, but are satisfied that the proposed mitigation would maintain the population. The ES acknowledges that a license is required in order to carry out any works.

3.48 Advises conditions be attached to ensure that the recommendations and mitigation as detailed in section 15 of the ES are implemented in full in order to avoid impacts on protected species. Advice that LPA assess and consider the other

possible impacts on local sites, local landscape character and local or national biodiversity priority habitats and species.

YORKSHIRE WILDLIFE TRUST (YWT)

3.49 States that the surveys for habitat and protected species appear to have been done correctly and the wildlife value of the site has been satisfactorily assessed. YWT accepts that the neighbouring European sites are unlikely to be damaged. Does have concerns relating to the potential for crops to be grown specifically to feed the digester and request a planning condition to prevent the use of purpose grown energy crops and virgin woody biomass in the process in interests of sustainability and prevent agricultural land being used to grow bio-energy crops. The authority should also be confident that the need for feedstock will not reduce recycling in the region. The availability and sustainability of feedstock does not appear to have been addressed. The long term management of the SINC should be secured by an ecological management plan backed up by a legal agreement.

YORK NATURAL ENVIRONMENT PANEL

3.50 The Panel opposes the scheme on the basis that the land should have been returned to agricultural use with every opportunity taken to enhance the wildlife value of the site and that the scheme represents an inappropriate development in the greenbelt. If not agricultural use, the SINC should be extended and improved.

YORK ENVIRONMENT FORUM

3.51 Support the proposals subject to conditions. It is clear that this region, like everywhere else in the UK, needs to respond to the need to produce more power from renewables and to become less dependent on fossil fuels. Already connected to the National Grid, and having had an industrial use for many years, this site offers a good opportunity for such a scheme if it can be done without negative impact to the environment.

3.52 While the original planning consent required the site to be returned to agriculture when the mine closed, there is little demand for agricultural land at present and that there are other uses to which the site can be put, as long as it abides by key principles relating to: protection of biodiversity; the use being an exemplar of sustainable development; the use providing recompense to the local community to enable improvement of the environmental sustainability of its public buildings;

3.53 Returning the site to agricultural use would have a negative impact on wildlife populations that have become established. Request any approval to be subject to a condition requiring the applicant to protect the biodiversity of the site.

3.54 Request that any approval should include a requirement that the operators of the site ensure that vehicles delivering material to and from the site be powered by biogas produced by operations within the site. The applicant should engage the local community by: installing a public display showing how much power is being produced on the site, quantifying emissions and carbon savings by comparison to a fossil-fuel-fired power station; and, providing the local community direct access to heat, in the form of district heating to public buildings, or by providing subsidies or grants to assist the local community reduce its own carbon emissions.

NORTH YORKSHIRE COUNTY COUNCIL

3.55 No response received to date.

SELBY DISTRICT COUNCIL

3.56 No response received to date.

JULIAN STURDY MP

3.57 Expresses objections on behalf of a large number of constituents. Recommends the application be refused.

- Traffic concerns relating to significant number of heavy vehicles transporting waste, residual products and employees, which would impact directly on A19, exacerbating the current road congestion on this accident blackspot;
- Green Belt implications from inappropriate and alien development of the scale proposed, which would detract from the area;
- Query whether test of special circumstances has been met;
- Implications of the AD facility on residents' amenity;
- Concern over what is perceived to be a renege on the 1970s commitment to return land to agricultural use;
- 39% of site is a designated site of nature conservation;
- Highlights that there is not enough suitable waste in the local area with the majority of the feedstock originating from outside North Yorkshire;
- Impacts from lorries transporting waste using thousands of litres of fossil fuel.

COUNCILLOR RESPONSES

3.58 Councillor Aspden (Fulford Ward) writes to object on behalf of local residents in Fulford. Key concerns raised:

- The development is on a huge scale;
- The site is ultimately on green belt;
- Impact of traffic on the local transport network;
- Increased pollution for the local area.

3.59 Selby District Councillor Reynolds and Selby District and North Yorkshire County Councillor Casling, have written to oppose the scheme:

- Proposal is inappropriate for a Greenfield site in the Green Belt and no special circumstances have been demonstrated;
- There is no certainty that suitable quantities of waste materials are available and indications are that waste will originate from outside the local area;
- There is no need for an AD facility as there are sufficient other sites within a 30 mile radius;
- There would be significant vehicle movements importing waste and removing residual products on an already highly congested road that runs through Escrick village;
- There is potential for offensive smells to be created from the digester plant itself and spreading of residual material on nearby farmland;
- It should be directed to an existing industrial area;
- The claim that there is no demand for agricultural land is spurious as land prices have never been at a higher level;
- The original planning permission was 'in the national interest' and there is no such interest in the present application;
- There is a justifiable expectation that when mining ceased the site would be restored to agricultural use.

PARISH COUNCIL RESPONSES

3.60 The site falls within the parish boundary of Wheldrake, though lies in close proximity to the boundaries with the parishes of Deighton and Escrick. As such, consultation letters accompanied by a copy of the application submission was sent to all three parish councils. Responses have been received from these three parish councils, as well as the parish councils of Naburn, Fulford, Osbaldwick and Thorganby. The parish councils object on the following grounds:

- The proposal would be inappropriate development within the Green Belt and that the "special circumstances" required to permit the development have not been demonstrated;
- This scale of development is not appropriate in a rural area;
- There is no certainty about the sources of suitable waste materials needed to power the operation, a large proportion of which is likely to originate from outside the local area - not appropriate or sustainable to import feedstock and other waste materials from outside York/Selby area;
- There are other locations nearer to the M62 corridor where the proposal indicates a large proportion of the waste feedstock would originate from, notably Kellingley Colliery;
- The proposal would require significant vehicle movements along the already congested A19 corridor, which would exacerbate the congested highway network,

make travel for local residents even more difficult and would result in a large proportion of traffic, including merchant vehicles, travelling through the area and potentially re-routing through the villages;

- The Parish Council supports of a residents group which has identified a number of safety issues regarding traffic speed and volume along this route;
- Highlights that there were never previously any significant levels of traffic associated with North Selby Mine as employees operated a shift system and all coal was transported underground;
- There is no information about the eventual decommissioning of plant and equipment, decontamination measures and its following use or status;
- Urge CYC to enforce the planning conditions attached to the original consent for the mine requiring the site to be restored to agricultural use.
- Accept there is an undisputed need for bio-wastes to be diverted from landfill, but there is a lack of clear regional/local strategy for non municipal bio-wastes.
- The site exists due to geological factors and mining logistics, but the locational factors for the proposed facility are less constraint.

RESPONSES FROM THE COMMUNITY

3.61 North Selby Mine Action Group

- Applicant's claim that there is no space for the AD facility on the Kellingley Colliery site seems implausible and contrived in order to arrive at the conclusion that North Selby is the best site;
- The site is in the Green Belt and given the plethora of sites that have or are in the process of obtaining permission, it is difficult to understand how the test of 'exceptional circumstances' can be demonstrated;
- Queries the 'green renewable energy' credentials of the using a gas boiler of the size proposed and the emissions from the flue have not been modelled;
- Potential for loss of amenity from odour emitted from spreading of digestate on surrounding farmland and impact on traffic generation from spreading vehicles.

3.62 There have been 362 responses received predominantly from residents of the surrounding area and the settlements of Deighton, Escrick and Wheldrake, objecting to the proposals. The comments made can be summarised as follows:

- Use of land: Site should be returned to agricultural land as required by condition of approval for the mine. If not then another natural use, reuse of buildings for more suitable purposes or erection of new homes;
- Future of site/viability: Question whether the size of plant is sustainable necessitating further expansion of the facility or a future alternative use of the site for non-rural activities; business case questioned as only 50% of glasshouse heat requirement from AD/CHP facility; expansion if financial incentives remain.

- Location: Development should be at source and in an urban or industrial area with good road and rail network (e.g. Kellingley Colliery) as not sustainable to transport waste by road from outside the York area.
- Need: Not enough local waste to run the facility and there is capacity at other AD sites (existing and planned); the proposal would not meet local employment needs or provide local jobs; the need for more tomatoes is questioned.
- Green Belt: The proposal is inappropriate development in the Green Belt, which by definition is harmful to openness and for which no very special circumstances have been demonstrated; the scale and magnitude of the industrial buildings are out of keeping with the Green Belt status and that the proposal would harm the openness and historic character and setting of the City of York.
- Access: The site is not served by public transport for employees travelling to the site; a roundabout or lights should be provided at junction as it is unsafe.
- Traffic: The proposal would exacerbate traffic congestion along the A19, increase the number of cars and HGVs using the already overloaded A19 resulting in damage to the road surface and adversely affect highway safety for pedestrians, cyclists and other drivers; the validity of the survey data is questioned.
- Pollution from traffic: Highlight increased noise pollution, vibration and a deterioration of air quality from increased vehicle movements along the A19 and the effect on human health and quality of life; the potential for pollution from the transport of waste.
- Pollution from the site: Concerns raised about the impact of noise, light (24 hours) and air quality (odour) pollution from process emissions on human health and quality of life (already noxious smells from other industrial facilities in area); potential for pollution of watercourses and ground water.
- Wildlife: Concern is raised about the affect on the wildlife in the area and the habitat overall mainly from noise, emissions and light pollution given the sites location near important nature conservation sites and as a third of the site is a Site of Interest to Nature Conservation.
- Visual impact: Proposal is out of scale and would blight the rural landscape, particularly the chimney, to the detriment of the surrounding agricultural area.
- Local benefits: Residents consider that there are no local economic or community benefits, such as district heating or jobs; scheme would suppress local, tourist and agricultural economy.
- Contamination: Concerns are raised about the contamination of surrounding water courses; the lack of reference to the clean up of the larger area of 'contaminated land' is highlighted.
- Crime: Concern that the proposal could increase crime in the area
- Safety: Explosion of methane production and mine gas seepage as well as distance from emergency services raised.
- House prices: Proposal would impact on price and desirability of houses in the area.
- Procedural: The length of consultation period is raised and the difficulty in accessing documents on the Council's website.

3.63 Three letters of support from residents of York on the following grounds:

- Waste has to be processed somewhere and this site appears suitable if the road network is improved;
- Returning the site to agriculture would involve remediation measures which would bring doubtful benefit on a small site;
- The spoil heaps should remain undisturbed for ecological reasons;
- Disturbance to residents would be minimal as the site is 2km from Wheldrake and Escrick;
- Horticultural proposals imply savings in food miles and quality of produce;
- The sourcing of waste is a commercial decision for this private venture;

3.64 One letter from a local resident who supports the application as it is vital that carbon emissions are reduced. This is providing that the applicant agree to conditions covering: protection of biodiversity, powering vehicles by biogas, a public display board shows residents how much power is being produced, and an annual subsidy to local communities to assist in reductions in carbon emissions or a pipeline for district heating to public buildings.

3.65 Letter from one resident who agrees with some concerns of the North Selby Mine Action Group over increased traffic and the distance the waste materials would be gathered, but disagrees with other concerns about designation of the site, potential hazard to homes and future expansion. Asks the question of how as a nation, facing ever increasing demand for energy, we can afford to block every single potential development designed to provide another source of electricity and gases.

4.0 APPRAISAL

4.1 The application comprises two elements that could stand alone as commercial enterprises, but which are proposed to be co-located in order to mutually benefit from this relationship in terms of the transfer of electricity and heat. However, for the purposes of assessing the application, the individual and cumulative impacts of the scheme are assessed. The key issues in the determination of this application are:

- status of the site
- principle of development
- economic benefits
- highway implications
- design and visual amenity
- crime
- openness of Green Belt
- climate change
- flood risk

- nature conservation
- human health

POLICY CONTEXT

National

4.2 The Coalition Government published its National Planning Policy Framework (NPPF), which came into force on 27 March 2012. Paragraph 14 of the NPPF establishes the presumption in favour of sustainable development, which the Coalition Government sees as a golden thread running through decision-making. It defines three dimensions to sustainable development: an economic role, a social role and an environmental role. The 'presumption in favour' means that development proposals should be approved where they accord with the development plan without delay unless material considerations indicate otherwise. Where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or, specific policies in the Framework indicate development should be restricted.

4.3 The NPPF sets out twelve core planning principles to underpin decision-taking in planning. They include: the proactive drive and support of sustainable economic development to deliver infrastructure; securing high quality design and a good standard of amenity for all existing and future occupants; protecting Green Belts and recognising the intrinsic character and amenity of the countryside; supporting the transition to a low carbon future in a changing climate and encouraging the use of renewable resources for example by the development of renewable energy; conserving and enhancing the natural environment; encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value; and, actively manage patterns of growth to make fullest possible use of public transport.

4.4 The following sections of the NPPF are of relevance to this application: Section 1 places significant weight on the need to support economic growth through the planning system; Section 4 promotes sustainable transport; Section 7 seeks good design that adds to the overall quality of the area; Section 8 promotes safe and accessible environments; Section 9 confirms the great importance that the Government attaches to Green Belts and gives advice on protecting Green Belt land; Section 10 covers climate change including the reductions in greenhouse gas emissions and supporting the delivery of renewable energy and ensuring development does not increase flood risk to other areas; and, Section 11 states that the planning system should contribute to and enhance the natural and local environment by protecting valued landscapes, minimising impacts on biodiversity and protecting human health.

4.5 Planning Policy Statement 10 (Planning for Sustainable Waste Management) was amended in March 2011 and is not one of the statements replaced by the NPPF. It sets out the Coalition Government's overall planning policy guidance on waste. It seeks to "protect human health and the environment, by producing less waste and by using it as a viable resource wherever possible". It advises that proposals on sites that have not been allocated or identified in a development plan or where applications are submitted before plans have been reviewed, should be considered favourably where they are consistent with the policies in the statement.

4.6 The Government published its Renewable Energy Strategy in July 2009, which sets the strategy for meeting the 15% target placed upon the UK. In 2011, National Policy Statements for Energy: EN-1 and Renewal Energy Infrastructure: EN-3 were approved and are material to decision making on planning applications. These statements identify the potential of plant powered by the combustion of biomass and waste towards renewable energy capacity and the increasing role in meeting the UK's energy needs.

Regional

4.7 The Yorkshire and Humber Plan Regional Spatial Strategy (RSS) to 2026 was formally adopted in May 2008. The RSS includes policies relevant to strategic development within the York area with specific reference to York's Green Belt. In 2010 the Coalition Government set out its intention to revoke regional strategies through the passing of the Localism Act. The Coalition Government laid a statutory instrument before Parliament in January 2013 that revokes the Yorkshire and Humber RSS but retains the policies contained within it relating to York's Green Belt. This partial revocation came into effect on 22 February 2013. The Ministerial statement in respect of the statutory instrument (bit from speech about views of GB). This was following the carrying out of an environmental impact assessment into the revocation of the RSS and the implications that abolition in full would have on the position of the Green Belt in York in light of its lack of a local plan. Policies YH9 and Y1 remain part of the development plan for the City. Policy YH9C establishes a Green Belt around the City and requires the detailed inner boundaries to be defined to establish long term development limits that safeguard the special character and setting of the historic city.

Local

4.8 The City of York Deposit Draft Local Plan (incorporating 4th set of changes) was agreed by the Council for development control purposes in April 2005. Whilst it has not been formally adopted, it reached an advanced stage in the process. The policies contained within it can be given weight and are considered to be material to the determination of the application where they reflect the NPPF. Paragraph 215 of the NPPF allows a 12 month period from its publication within which due weight

should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

4.9 The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 (Planning against Crime) requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP9 deals with landscaping within residential schemes. Policy GB1 mirrors Green Belt policy and identifies those new buildings that are appropriate development. Policy NE1 seeks to protect existing trees and hedgerow that are of important landscape, amenity, nature conservation or historical value.

4.10 The Council was preparing a Local Development Framework prior to the publication of the NPPF, but formally withdrew it on 12 July 2012. It is now preparing and working towards the publication of a new Local Plan.

STATUS OF THE SITE

4.11 The site is a former satellite mine located in the York Green Belt. The site was used for conveying miners and equipment to the coal face, but was not used for the extraction of coal itself. The use of the site for mining purposes has been abandoned following the removal of the shafts and cages in 2000. The site has continued to be used by Network Rail for training of its staff, but the Local Planning Authority does not consider this use to be lawful.

4.12 The Secretary of State in granting planning consent for the use of the land in connection with the mine imposed a restoration condition. The aim of the condition was for the site to be restored to a condition capable of agricultural production following the removal of the plant, buildings and machinery within 12 months from the date of abandonment. Objectors to the proposals highlight this requirement of the original consent and request that the Local Planning Authority ensure compliance with the condition.

4.13 The NPPF defines previously developed land as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure'. One exception to this is land that has been developed for minerals extraction where provision for restoration has been made through development control procedures.

4.14 However, legal advice from an independent planning barrister given in 2011 with regards to the validity and enforceability of the condition, confirmed that the condition was fundamentally flawed and that it was incapable of being enforced in full. This is because the wording only requires a scheme of restoration to be

submitted, but specifies no time frame within which the implementation of the approved scheme is required to take place, hence rendering full restoration unenforceable. As such, the extent of the Local Planning Authority's action has been to serve an enforcement notice seeking the removal of the plant, buildings and machinery from the site. It has not been able to require full restoration of the site to a condition capable of agricultural production. The enforcement notice remains in place until the determination of this planning application.

4.15 The fact that the site is not able to be restored through development control procedures, means that the site would not be exempt from the definition and, therefore, constitutes previously developed land.

PRINCIPLE OF DEVELOPMENT

4.16 The NPPF establishes a presumption in favour of sustainable development in the determination of planning applications. It advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted (para.14).

4.17 Following the partial revocation of the RSS and the withdrawal of the LDF prior to adoption, the only relevant development plan policies are those relating to Green Belt in the RSS. The consideration of the Green Belt position is considered below. The RSS policies seek to establish a Green Belt around the City of York. In accordance with paragraph 14 of the NPPF, as the development plan is absent in all other regards, the proposals should be assessed against the policies in the Framework, and be approved unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

PROTECTING GREEN BELT LAND

4.18 The site lies within the York Green Belt. The Government attaches great importance to Green Belts and specifies in the NPPF what new buildings are appropriate to construct within them. It states that the construction of new buildings in the Green Belt is considered to be inappropriate development unless it falls into one of the prescribed exceptions. One such exclusion is buildings for agricultural uses (para.89). Section 336 of the Town and Country Planning Act 1990 includes 'horticulture, fruit growing and seed growing' within the definition of agriculture. Therefore, the use of the land for horticultural purposes is an appropriate use of this site and the construction of the proposed glasshouse in connection with this use constitutes appropriate development in the Green Belt.

4.19 A further exception is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a

greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This includes to check unrestricted sprawl, to prevent coalescence, to safeguard against encroachment, to preserve the setting and special character of historic towns and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As stated above, it is established that the site constitutes previously developed land. Therefore, the impact of the proposals on the openness of the Green Belt in relation to the existing site needs to be considered.

4.20 In terms of the existing and proposed impact on openness, the existing site comprises a series of buildings spread out across the developed area of the former mine, including an amenity building and various workshops. The glasshouse, as previously stated is appropriate development by virtue of being for a use that falls within the definition of agriculture. The proposed AD facility is of similar scale and size to the existing buildings, albeit with some taller structures, but is more compact than the existing buildings covering a smaller physical area of the site. The construction of the AD facility would be on previously developed land where structures currently exist, which lies at some distance from the historic town and would not prevent the regeneration of other urban sites. As such, it is considered that the AD facility would not have a greater impact on the openness of the Green Belt than the existing structures and would not harm the purpose of including land within it.

4.21 In terms of the Green Belt, it is considered that the proposal would protect the openness and essential characteristics of the Green Belt and would prevent urban sprawl.

BUILDING A STRONG, COMPETITIVE ECONOMY

4.22 Section 1 of the NPPF establishes the Government's commitment to securing and supporting economic growth and job creation.

4.23 The scheme would create 6 FTE posts in connection with the operation of the AD facility and 50 FTE in the horticultural operation, with a further 50 seasonal workers (Nov-Jan). The applicant estimates that the construction of the site would generate up to 256 jobs. The skills required for the jobs created are considered to be available within the local labour market of the York area.

4.24 Objections from the parish councils and local residents highlight the limited number of jobs created by the development and the likelihood of migrant workers.

4.25 The Council's Economic Development Unit (EDU) has been consulted on the proposal and the information provided by the applicant about job creation. EDU recommends strong support for the application on the basis that it has the potential to create jobs and economic growth in the bio-science and agri-food sectors of the

economy. These sectors have been identified as key growth areas for the city and North Yorkshire sub-region. The Unit further highlights the potential for future skills training that would benefit the City.

4.26 The support of EDU in the potential of the development to securing job creation in key growth areas is noted. Whilst desirable, it is considered that a condition in respect of future skills training would not meet the necessity test of Circular 11/95: Use of conditions in planning permission.

PROMOTING SUSTAINABLE TRANSPORT

4.27 Section 4 of the NPPF highlights the importance of transport policies in delivering sustainable development. Paragraph 32 requires all developments to be supported by a Transport Assessment where they generate significant amounts of traffic movements, to demonstrate that the opportunities for sustainable transport modes has, where possible, been utilised, that there is safe and suitable access and that improvements can limit the significant impacts of the development. PPS10 advises that the suitability of the road network and the extent to which access would require reliance on local roads is a material consideration for waste schemes.

4.28 The site is remote from the main built-up areas of York and Selby and has poor public transport links. It is located 1.7km from the A19 and reached by an access road that served the mine. Its remote location means that staff and materials associated with the site would largely be cars and lorries that would utilise the existing highway network. From the site, vehicles would use the access road to reach the A19, then drive along the A19 northbound to the A64 or southbound to the A63 Selby by-pass.

4.29 Concern has been expressed by local residents and those representing them, about the potential impacts that the traffic generated by the proposal would have on highway safety and congestion on the A19 and the surrounding road network. The Local Highway Authority has been consulted on the application and raises no objection.

4.30 The application is accompanied by a Transport Assessment and a Travel Plan, which have been considered by the Local Highway Authority. The Transport Assessment has been based on a worst case scenario with the number of HGV vehicle movements being estimated as 88 over a 12 hour period. The access road and its junction with the A19 meet highway standards, with visibility for vehicles leaving the site being in accordance with national standards. The Local Highway Authority considers that the number of additional vehicles generated by the scheme in comparison to the load on the A19 would be minimal. Accident records on the A19 do not highlight any clusters or pattern that could be exacerbated by the anticipated increase in traffic movements as a result of the development.

4.31 Waste and raw materials would be brought to the site by HGV and goods and by-products would be transported by the same means. Employees are likely to travel to the site by private car given the hours of work and the specialism of staff. However, where practicable, workers for the horticultural business would be able to travel to the site by a private bus service provided by the employer as outlined in the Travel Plan

4.32 Therefore, whilst the concerns of residents are noted, it is concluded that in light of the analysis and subsequent lack of objection from the Local Highway Authority, there are no sustainable highway grounds for refusal of the application. No highway improvements works are requested by the Local Highway Authority, but conditions relating to parking provision and the implementation of the Travel Plan are sought.

REQUIRING GOOD DESIGN

4.33 One of the core planning principles in the NPPF is securing high quality design. Paragraph 58 states that development should function well and add to the overall quality of the area.

4.34 The site is largely hidden in the wider landscape, though the existing buildings and associated structures are visible from publicly accessible places. Spring Wood lies to the west of the site and screens the site from the approach road and from the west. Boundary planting and bunding along the northern boundary partly screens the site from the public right of way that runs along this boundary. The mound to the south of the mine buildings provides screening from the south. However, the buildings can clearly be seen from the public right of way (PROW) that runs along the western and northern site boundaries. Longer distance views can be gained of some of the buildings across the fields where gaps exist in the field boundaries from Wheldrake Lane, which is to the south of the site and elevated in relation to it.

4.35 The proposed buildings and structures are functional in their design and materials. They would cover a larger area of land than the remaining colliery buildings on site, though these are spread out across the extensive hard surfaced apron of the former colliery. The existing buildings range in height from 6.5m to 10m. The proposed buildings would be higher than the existing and would range from 9.5m to 12m for the AD/CHP facility, with 18m high maximum AD storage tanks and two stacks 15m and 22.5m high. The glasshouse would be approximately 7m high to ridge though the land upon which the glasshouse is to be sited is proposed to be raised by 350mm.

4.36 As views are possible of the existing buildings, the proposed structures would equally be visible from the aforementioned publicly accessible places. The AD facility is also closer to the site boundary and, therefore, would be more apparent

when passing the site along the PROW than the existing buildings. The glasshouse, given its size, would be visible in part in longer distance views from Wheldrake Lane, particularly when lit.

4.37 The applicant proposes various mitigation measures to minimise the impact of the buildings in the landscape. The height and length of the mounding that runs adjacent to the western and northern site boundaries are intended to be increased and extended respectively. This would shield views of the glasshouse from the PROW or from the adjacent residential properties. The glasshouse, and potentially the tops of the taller AD/CHP structures and stacks, would remain visible from Wheldrake Lane, though this would be across fields at a distance of approximately 950m. Some additional planting is proposed on the mound to the south of the site to obscure views. Furthermore, the glasshouse operator is proposing blinds to the roof and sides to minimise light spillage. The AD/CHP buildings would have green coloured roofing materials and the tanks would be colour finished green, which would help to improve their industrial appearance and soften their visual impact when viewed from further away. The stacks are relatively slender (the 22.5m high stack is approximately 1.4m reducing to 400mm for the upper 3m) and are proposed to be finished in a silver/light grey colour that would help to reduce their prominence when viewed from a distance against the sky.

4.38 The design of the proposal is appropriate for its function and could be considered to tidy up a derelict previously developed site in the Green Belt. The application buildings would be more visible than the existing mine structures, mainly because they cover a larger area and have taller structures, though additional bunding and landscaping is proposed to minimise their visual intrusion.

PROMOTING HEALTHY COMMUNITIES

4.39 Section 8 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

4.40 In response to concerns from North Yorkshire Police, the applicant has clarified the position with regards to the security of the site. During construction, a secure compound would be provided for overnight storage of office material and equipment. The AD facility is intended to be secured through the use of appropriate security fencing as well as CCTV, whereas the horticultural glasshouse facility would be monitored by a security company and infra-red CCTV would be installed. Security gates are proposed at the entrance to each facility linked into the perimeter fencing. As well as CCTV, the buildings would be alarmed. The security of the tanks would be in line with the requirements of the Environmental Permit and would be monitored and maintained in accordance with it. Service yards and car parking areas would be lit in accordance with guidelines for lighting external areas.

4.41 As a result of the response the Police consider that the application clearly demonstrates that crime prevention measures have been considered and, therefore, raises no further issues. It is considered that the requirement of the NPPF with regards creating safe environments, has been satisfied.

MEETING THE CHALLENGE OF CLIMATE CHANGE AND FLOODING

Climate Change

4.42 Section 10 of the NPPF confirms that local planning authorities should not require applicants for energy development to demonstrate overall need for renewable energy as they provide a valuable contribution to cutting greenhouse gas emissions and should approve such applications if the impacts are or can be made acceptable (para.98).

4.43 The AD facility is proposed at this location in order that the applicant can make use of the existing grid connection. The cost of providing a new grid connection had not existed is estimated to be in the region of £1,660,000. It is the applicant's intention to burn the biogas produced by the anaerobic digestion in order to generate electricity and export any surplus to the national grid. The heat generated would also be utilised by the facility and pumped to the glasshouses. It is estimated that in the region of 18,000MWh of electricity per annum would be generated from a 60,000 tonnes facility (2.75MW estimated maximum electrical output at a single point in time), of which 4,000MWh would be used by the facility itself and 5,000MWh by the glasshouse, leaving 9,000 MWh of electricity per annum available to be exported to the grid. To put this in context, the typical medium consumption figure for electricity per household is 3.3MWh (taken from Ofgem documentation). The amount of heat generated given the size of the facility would also be 18,000MWh per annum, of which 6,000MWh would be used by the AD facility to heat the tanks and 8,000MWh transported to the heat the adjacent glasshouse (estimated to be approximately 50% of the total annual heat requirement of the glasshouse).

4.44 The potential for renewable energy generation from the AD facility is a clear benefit of the scheme, which would help to meet the Council's renewable energy targets of 38.7MW electricity and 15.1MW heat (Strategic Renewable Energy Viability Study for York produced in December 2010 by consultants AEA).

4.45 A further benefit of the scheme would be the diversion of organic waste from landfill and the utilisation of waste as a viable resource in terms of its potential for renewable energy generation. PPS10 is supportive of such facilities on unallocated sites where they help to implement the planning for waste strategy and providing the scheme is acceptable in terms of its impact on environment factors and landscape.

4.46 An Alternative Sites Assessment has been submitted to support the application. This identifies the North Selby Site as joint third in the consideration of suitable sites for the proposed AD facility. The site that was ranked first was Kellingley Colliery, which is an operational colliery close to the M62. The site was discounted due to the applicant's intention to develop a larger scale thermal treatment facility on the unused part of the site. As a result, there is considered to be insufficient remaining land available that is free from existing site constraints to locate the AD facility at the site. Of the three sites ranked second, one is within the functional flood plain, the second has planning consent for employment development and is largely occupied by such uses and the third is the Vanguard/Monks Cross South site that has planning consent for a stadium and retail uses. The applicant considers that no viable and alternative available sites were identified through the ASA that would have significantly and demonstrably less overall environmental impact than the North Selby Mine site. Therefore, there is no indication that an identified alternative site should be developed instead of the application site.

4.47 The applicant has submitted further information with regards the Kellingley Colliery site in the form of a more detailed site plan at the request of Officers to confirm the statement that there is no available space on site. Confirmation has also been received about the progress of the planning application for the proposed energy centre at the site with the relevant waste planning authority, statutory consultees and public consultation. This confirms that the preparation of the application, including Environmental Statement, is nearing completion and is due to be submitted within the next few weeks. In light of this, and the information provided on the other identified sites, the applicant's assessment and conclusions are considered to be acceptable.

4.48 In summary, the proposal would provide clear benefits in terms of renewable energy production and reduction in waste to landfill. The applicant has provided evidence to support their choice of site.

Flood Risk

4.49 Section 10 of the NPPF advises LPA to ensure that a development does not lead to increased flood risk elsewhere and for sites at risk of flooding only accept development where the development is informed by a site-specific flood risk assessment (para.103).

4.50 The site is located predominantly within Flood Zone 1 (low risk), though the western tip adjacent to Bridge Dyke, including sections of the existing internal access road, falls in Flood Zones 2 (medium risk) and 3 (high risk). Bridge Dyke and Halfpenny Dyke are ordinary watercourses maintained by the Internal Drainage Board.

4.51 The layout of the site means that the new buildings proposed would lie within Flood Zone 1. The applicant intends to raise a section of the internal access road, where it crosses Bridge Dyke, in order to reduce its potential for flooding. Flood compensatory measures are proposed. A new site drainage system is proposed involving on-site attenuation ponds to hold water in order to prevent flooding outside the site and improve the quality of the run-off.

4.52 The EA raises no objection to the proposed scheme, subject to a condition regarding the mitigation measures outlined in the EIA. The Council's Flood Risk Management Team raises no objections with regards surface water providing conditions are attached to cover foul and surface water drainage works. The IDB requests a condition relating to surface water drainage works.

4.53 As such, the proposal is unlikely to result in flood risk being increased elsewhere, subject to further details being submitted for approval.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Natural Conservation

4.54 Policy 11 of the NPPF states that the planning system should protect valued landscapes (e.g. Area of Outstanding Natural Beauty) and minimise impacts on biodiversity. Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.

4.55 The site is not designated as a valued landscape. It lies within the potential zone of influence of the Lower Derwent Valley National Nature Reserve, which is a European designated Special Protection Area and Ramsar site as well as the River Special Area of Conservation and the Skipwith Common Special Area of Conservation. In addition, the part of the site that includes the mounding to the south of the mine buildings has been designated a Site of Importance to Nature Conservation (SINC). The site supports a number of habitats for species including Great Crested Newts, bats, barn owls and Little Ringed Plover.

4.56 The EIA considered the impact that the AD facility would have on the designated nature conservation sites as well as on the wildlife that inhabit the site. Natural England, the Environment Agency and the Council's Ecologist have been consulted on the application and other wildlife bodies have commented on the application.

4.57 Natural England concludes that the proposal is unlikely to adversely affect the integrity of the Lower Derwent Valley NNR or the aforementioned European designated sites. It confirms that the site is not within close proximity to any nationally designated site for nature conservation and is satisfied with the proposed

mitigation for the Great Crested Newt habitat, which is likely to be affected through loss of habitat and during construction. As such, the body does not object, subject to conditions being imposed.

4.58 The Environment Agency and the Council's Ecologist raise no objection on the grounds of biodiversity due to the negligible impact on the local ecology and the potential for ecological enhancement. The EA request a condition to address the potential for harm to the newt habitat during the construction phase in terms of a construction management statement and the Council's Ecologist seeks a condition to cover future management of the SINC site.

4.59 In light of the comments from Natural England, the Environment Agency and the Council's Ecologist, it is considered that the proposal would encourage the effective use of land through the re-use of land that has been previously developed whilst minimising the impacts on biodiversity and enhancing the habitat the site provides.

Human Health

4.60 One of the core planning principles of the NPPF is securing a good standard of amenity for all existing and future occupants. Section 11 of the NPPF gives advice on risks from pollution and land instability. In particular, paragraph 123 guides planning authorities to aim to avoid significant adverse impacts from noise and mitigate to a minimum other adverse impacts from noise on health and quality of life. Areas of tranquility which have remained relatively undisturbed by noise and as a result are prized for their recreational and amenity value should be protected. Paragraph 124 states that where new development falls within an Air Quality Management Area, planning decisions should be consistent with the local air quality action plan. Paragraph 125 encourages good design that limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.61 Concern has been raised by local residents about the impact of the development on human health of those living within the area. This is in terms of the noise, light, water and air pollution, including release of toxic gases, from the operation of the AD plant as well as noise, vibration and emissions from traffic associated with the development.

4.62 The Environment Agency (EA) and Council's Environmental Protection Unit (EPU) have been consulted and confirm that the AD facility will require a bespoke Environmental Permit under the Environmental Permitting Regulations 2010. This is issued and enforced by the EA and covers emissions to land, water and air from the facility itself as well as odour, noise, vibration and heat. Paragraph 122 of the NPPF guides local planning authorities to focus the acceptable use of the land for the development and not the control of processes or missions where they are subject to

approval under pollution control regimes. The assumption in planning is that pollution control regimes will operate effectively to adequately control any environmental impacts and will be properly applied and enforced by the pollution control authority.

4.63 During construction and demolition phases the main effect would be dust emissions and the potential to cause dust annoyance, risk to human health and harm to ecological receptors. Providing suitable mitigation measures are implemented, the dust could be controlled to a suitable level.

4.64 With regards emissions from vehicles, the Council's EPU considers that based on air quality guidance and the increase in flow of vehicles, the impact of traffic emissions once the facility is operational would be negligible. The Council's Low Emissions Strategy is highlighted by the unit and an informative required that encourages the provision of vehicle charging points for electric vehicles.

4.65 The main impact on human health is likely to be during the construction phase and from noise disturbance from traffic movements both in service yards and on the access road. It is most likely to affect those properties that immediately surround the site. The Environmental Statement identifies noise disturbance during construction as being significant, but of limited duration. The EPU advises a condition seeking to restrict hours of working during the construction phase. A condition requiring a Construction Management Plan be agreed to control dust during construction and demolition is also requested.

4.66 With regards noise during the operational stage, the principle noise sources relate to noise from deliveries and traffic, the two service yards and plant and machinery associated with the two facilities. The main properties that would be most affected would be those that immediately surround the site. The layout of the buildings on site was amended prior to submission of the planning application and following a public consultation exercise to reduce the impact of the operation on these surrounding occupants.

4.67 The Council's EPU has undertaken an in-depth assessment of the noise assessment submitted in support of the application and has sought further clarification to assist in this. Whilst noise from traffic on the A19 was considered to be negligible, concern has been expressed about the impact that noise from HGV movements in particular would have on Spring House Farm, which is located on the access road. This is as a result of an increase in the number of maximum noise levels events occurring during the day from up to 88 HGV movements. In addition, there is potential for noise to affect the amenity at the surrounding residential properties for certain periods of the daytime due to an increase in background noise levels.

4.68 However, the increase in noise levels will vary from hour to hour at each of the properties and it is noted that the levels of noise are predicted to fall within the World Health Organisation and BS8233 noise standards. Conditions are recommended by EPU to minimise the loss of amenity due to traffic noise, service yard noise and plant/equipment noise. This includes a condition to control the hours of receipt of delivery and dispatch to 07:00 to 19:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays for the AD facility, and 06:00 to 19:00 hours Monday to Friday and 09:00 to 13:00 on Saturdays for the horticultural facility. There would be no delivery and dispatch on Sundays and Bank Holidays, except in emergency. This would allow a respite to residents within the week as well as on an evening and through the night.

4.69 Whilst the site falls within Environmental Zone 2 (Rural), as specified in the Institute of Lighting Professionals Guidance Notes, the Council's EPU recommends that the lighting levels from the site comply with the requirements specified for an E1 Zone (Natural) past a curfew of 23:00 hours given the low levels of background lighting.

4.70 As the hours of construction will be restricted by condition and will not fall within the time of curfew, it is unlikely that temporary construction lighting would result in light intrusion or loss of amenity. Lighting to the external service and parking areas of the proposed facilities during operation and internally within the glasshouse, were identified in the lighting assessment submitted with the application as of minor negative significance to nearest residential properties before mitigation. As a result, it is unlikely that the lighting from the proposed development would detract significantly from residential amenity or visual amenity of the landscape from light spillage, subject to appropriate conditions to ensure the mitigation measures are implemented. This includes the use of blinds within the glasshouse in sensitive areas during hours of darkness to mitigate light spillage and sky glow.

4.71 The ES identifies no significant ground contamination issues at the site, though some localised areas of contamination may need to be excavated and removed off site. Whilst elevated levels of ground gas could pose a potential risk to the development, the ES concludes that the likelihood of methane reaching the surface is very low given the depth of the abandoned mine workings and the on-going abstraction of methane at the Stillingfleet former satellite mine site. No significant risks are highlighted from the construction of the glasshouse over the mine shafts. Further investigation works should be undertaken to fully character the site and remedial work should then be undertaken to ensure that the land is suitable for the proposed use.

4.72 In summary, it is considered that the potential effects on human health can largely be mitigated through the imposition of conditions. The identified increase in noise levels and the impact on the amenity of surrounding residents, particularly

noise disturbance to Spring House Farm caused by HGV movements on the access road, needs to be balanced against the benefits of the scheme.

5.0 CONCLUSION

5.1 The application seeks full planning approval for the use of the former North Selby Mine site for the co-location of an anaerobic digestion (AD) facility with combined heat and power plant and a horticultural glasshouse facility. The AD element of the proposal constitutes EIA development and, as such, an Environmental Statement has been submitted to support the application and to allow full consideration of the likely impacts the facility would have on the environment.

5.2 The Coalition Government's National Planning Policy Framework establishes a presumption in favour of sustainable development, of which is considers there to be three dimensions - an economic role, a social role and an environmental role. It advises that in situations where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework (para. 14).

5.3 In terms of the adverse impacts of the scheme, this has been identified as harm to living conditions in terms of noise disturbance during the operation phase from HGV traffic along the access road and the increase in maximum noise level events.

5.4 In terms of the benefits of the scheme, these have been identified as the economic benefits from job creation and inward investment, the potential renewable energy generation from utilising the biogas produced from the AD and exporting it to the national grid via the existing grid connection and the diversion of waste from landfill. The scheme would create jobs within the key growth sectors of bio-science and agri-foods. The applicant has proposed an AD facility at the site in order to utilise the existing grid connection, which would allow export of electricity to the national grid. The scheme would reduce the amount of organic waste being sent to landfill. The site has the space available to accommodate the horticultural glasshouse facility, which would be suitably located in the rural area and would be able to use some of the electricity and heat generated by the AD facility.

5.5 Consideration of the application has established that the proposal would pose no harm to other acknowledged interests, subject to conditions. The AD facility would require an Environmental Permit under the Environmental Permitting procedure licensed and enforced by the Environment Agency as the relevant pollution authority.

5.6 The development would fulfil the roles of sustainable development outlined in the NPPF, in particular the economic role through the provision of jobs and inward investment and the environmental role through the enhancement of biodiversity, the

minimisation of waste and the provision of renewable energy. These in turn would contribute to the social role, through the benefits to the wider community with regards climate change. Whilst the living conditions of the residents of Spring House Farm would be adversely affected by the increase in maximum noise level events, conditions could be imposed that would restrict the hours of delivery and dispatch to daytime hours and allow a respite on weekends and bank holidays. As such, it is considered that the identified harm to human health would not significantly and demonstrably outweigh the benefits of the scheme.

5.7 Therefore, the application is recommended for approval, subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. PP-001 Rev. P 'Application Site Local Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-008 Rev. P 'Site Layout Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-009 Rev. P 'Proposed Roof Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-010 Rev. P 'Proposed Glasshouse Floor Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-011 Rev. P 'Proposed Glasshouse Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-012 Rev. P 'Proposed AD Buildings Floor Plan' dated October 2012 and received 6 November 2012;

Drawing no. PP-013 Rev. P 'Proposed AD Buildings Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-014 Rev. P 'Proposed AD Buildings Elevations' dated October 2012 and received 6 November 2012;

Drawing no. PP-015 Rev. P 'Proposed AD Buildings Elevations - Overall' dated October 2012 and received 6 November 2012;

Drawing no. PP-016 Rev. P 'Proposed Site Sections' dated October 2012 and received 6 November 2012;

Drawing no. L9 Rev. G 'Landscape Strategy Plan' dated 8.4.13 and received 15 April 2013;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of development, with the exception of demolition and site clearance, a phasing scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timings of earthworks and planting. The implementation of the development shall take place in accordance with the approved phasing scheme.

Reason: In the interests of the visual and residential amenity.

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk & Drainage Assessment (FRA) dated October 2012 by WYG and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off to a maximum of 540 litres/second, and provision of associated attenuation storage as detailed on pages 23 and 24 of the FRA.
- Provision of compensatory flood storage as per page 14 of the FRA. The compensatory storage should be provided before the raising of the level of the road is commenced. The compensatory storage should also be agreed with the Agency before development commences.
- Finished floor levels are set no lower than 8.75m above Ordnance Datum (AOD) for the AD Building and 8.5mAOD for the adjacent tank building and Tank Farm.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

5 Prior to the commencement of development on site, with the exception of demolition and site clearance, details of foul and surface water drainage works have

been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Details to include:

1. Peak surface water run-off from the proposed development must be restricted to a maximum 540.0 lit/sec.
2. Site specific details of the flow control devise manhole limiting the surface water to the 540.0 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
4. Site specific details of the storage facility/ponds to accommodate the 1:30 year storm and the volume above the 1:30 year storm and up to the 1:100 year storm.
5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. As the development is to be raised above the level of the adjacent land, details should be provided of the cut off drain to prevent runoff from the site affecting nearby properties.
6. Details to prove suitability of existing outfall and connection to Internal Drainage Board drainage.
7. Details should be provided of the future management / maintenance of the proposed drainage scheme.
8. Proof of consent from the Environment Agency & Internal Drainage Board to discharge treated foul water to the water should be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

All machinery and vehicles employed on the site shall be fitted with effective

silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultation with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details

Except in case of emergency, no operations shall take place on site other than between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturdays. There shall be no working on Sundays or Public Holidays.

At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

During the construction process heavy goods vehicles shall only enter or leave the site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

All loaded lorries leaving the site shall be securely and effectively sheeted.

Broadband noise reversing alarms (white noise alarms) shall be used on all vehicles that require audible alarms.

Reason: To minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development and to protect the amenity of local residents.

7 Receipt of waste and dispatch of processed waste associated with the anaerobic digester shall be restricted to the hours of 07:00 to 19:00 hours Monday to Friday, 09:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Deliveries and dispatches associated with the horticultural glass house shall be restricted to the hours of 06:00 to 19:00 hours Monday to Friday, 09:00 to 13:00 on Saturdays and at not time on Sundays or Bank Holidays

No deliveries and dispatches shall take place outside these hours save in cases of emergency when life, limb or property are in danger, or as may otherwise be agreed with the Local Planning Authority and which shall be notified as soon as practicable after the occurrence of any such operations or working.

Broadband noise reversing alarms (white noise alarms) shall be used on all vehicles that require audible alarms.

Details of all machinery, plant and equipment to be installed in or located on site shall be submitted to the local planning authority for written approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

No development shall take place, except demolition and site clearance, until an assessment to show that the combined rating level of all plant & equipment associated with the development will be no greater than 25dB(A) L_{eq} 1 hour has been submitted to and been approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

8 Prior to the commencement of development on site, with the exception of demolition and site clearance, a full Lighting Impact Assessment undertaken by an independent assessor shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail predicted light levels at neighbouring residential properties contain the following as a minimum:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the edge of the site boundary

- Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone
- E1 contained within Table 1 of the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting

- Light management plans

- Use of internal blinds to roof and sides of the glass house the glasshouses to prevent light spill to be used from dusk to dawn.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

9 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

Application Reference Number: 12/03385/FULM

Item No: 4b

Page 43 of 47

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors.

11 A monitoring and maintenance scheme (to include monitoring of the long-term effectiveness of the proposed remediation) and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12 In line with the recommendations of the air quality assessment submitted in support of the application, a minimum stack height for the proposed facility of 22.5m is proposed, to ensure adequate dispersion of pollutants.

Reason: To ensure no significant detrimental impact on local air quality and to protect the health of local residents.

13 HWAY18 Cycle parking details to be agreed -

14 HWAY19 Car and cycle parking laid out -

15 The site shall not be occupied until the Travel Plan Statement submitted to support the application has been implemented. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan Statement.

Reason: To ensure the development complies with national planning and transportation advice and guidance which seeks to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport, together with parking for these users.

16 Prior to the commencement of any works on site, a construction method statement detailing how the existing ecology of the site, particularly the existing ponds will be protected from construction impacts, must be submitted to, and approved in writing by the local planning authority. The construction should then proceed in accordance with any approved plan.

Reason: To protect the existing ecological value of the site and ensure risks to protected species are minimised through the construction.

17 Prior to the commencement of development, with the exception of demolition and site clearance, details of a management plan for the long term protection and enhancement of the Site of Importance to Nature Conservation (SINC) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the means of enclosure between the developed area and the SINC and of a grazing regime.

Reason: In the interests of protecting and enhancing the natural environment.

INFORMATIVE: The method of long term protection would be primarily through controlled grazing using hardy breeds that would open up the sward and control continued scrub invasion.

18 Prior to the commencement of development on site, with the exception of demolition and site clearance, details of crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the method of securing the site with fencing and the on-going security provision for the anaerobic digestion facility and horticultural glasshouse operation. The scheme shall be implemented in accordance with the approved details and they shall be maintained thereafter.

Reason: In the interests of crime prevention and to ensure that the development contributes to a safe environment.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to economic benefits, highway implications, design and visual amenity, crime, openness of Green Belt, climate change, flood risk, nature conservation and human health. As such the proposal complies with the National Planning Policy Framework (March 2012), policies YH9C and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy and policies GP1, GP3, GP4A, GP4B, GP5, GP6, GP9, GP15A, GB1, NE1, NE5, NE6, NE7 and T4 of the City of York Development Control Local Plan.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application discussion with applicants;
- Screening and scoping opinion for Environmental Impact Assessment given;
- Revisions sought to scheme with regards landscape mitigation;
- Imposition of conditions to address parking and travel to the site, nature conservation mitigation and enhancement, flood risk and drainage, noise, air quality, lighting and contaminated land and security.

3. INFORMATIVE:

Please note that a bespoke environmental permit is required with regards the anaerobic digestion and combined heat and power facility. This is issued by the Environment Agency under the Environmental Permitting Regulations. You are advised to apply for this permit without delay.

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325

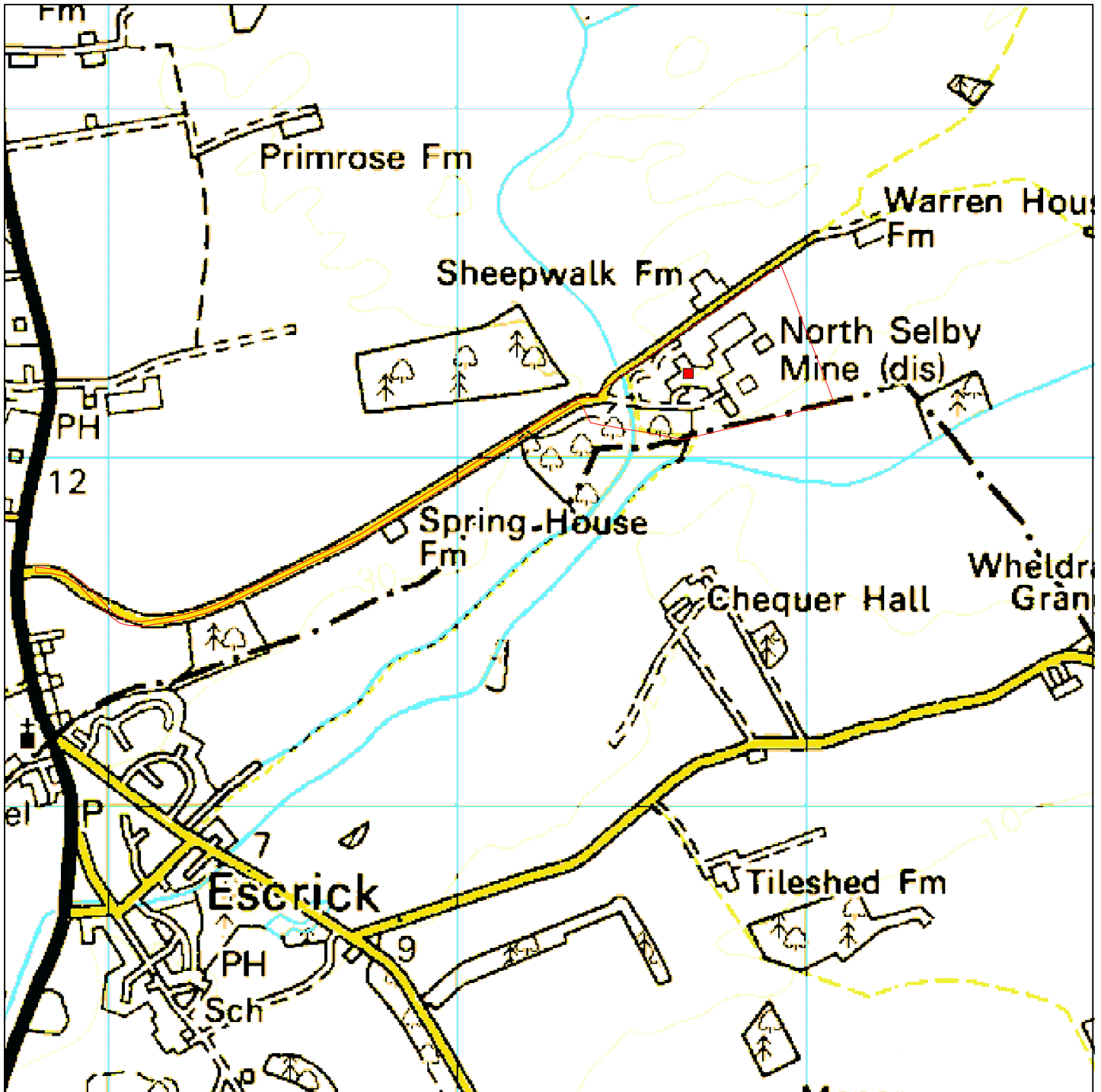
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12/03385/FULM

North Selby Mine, New Road, Deighton



GIS by ESRI (UK)



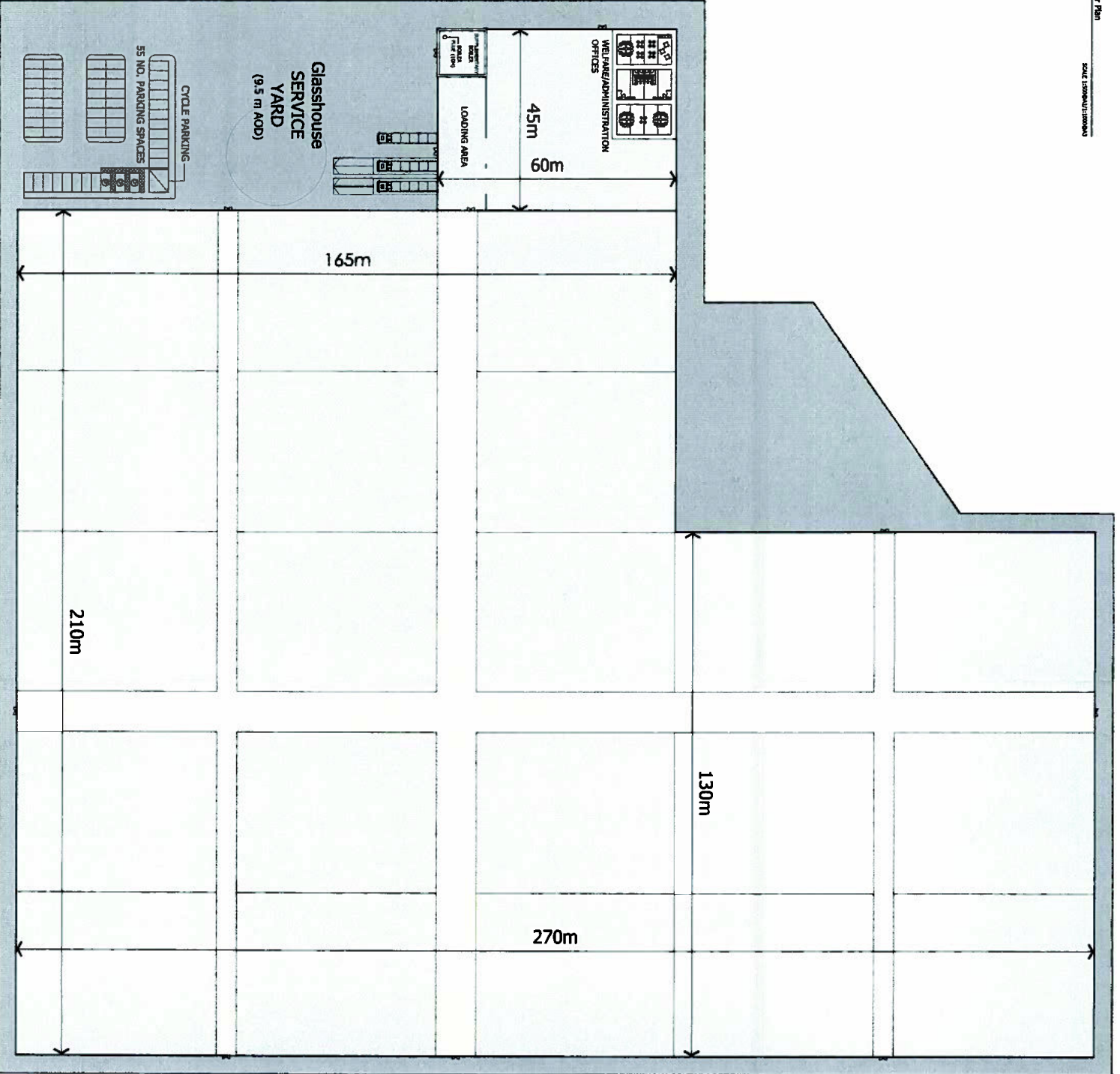
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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	15 April 2013
SLA Number	Not Set

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AGENDA ITEM (48)
CIRCULATED AT
MEETING

MATERIALS

- GLASSHOUSE ELEVATIONS:**
 GLASS TYPE:
 CLEAR.
 FRAME, TRIMS AND CAPTINGS:
 COLOUR WHITE: RAL 9010
 GUTTERS AND SOFFITS:
 COLOUR WHITE: RAL 9010
 DELIVERY DOORS:
 SERVICE DOORS, WIND GREY
 FAST ACTING WITH YELLOW
 WARNING CHEVRONS/SKIRT.
 SERVICE DOOR SURROUNDS IN
 DARK GREY.
 COVER OVER WELFARE/ADMIN:
 PAINTED PLY WHITE RAL 9010
 COVER OVER BOLERS:
 SYSTEM SMOOTH CLADDING PANEL
 BOLERS FLUE:
 LIGHT GREY SILVER

PLANNING

North
 North Selly
 AD and Glasshouse Buildings
 Proposed Glasshouse Floor Plan
 Date: 15/09/2012
 Drawing no: FP-010
 Project no: 21092



Barton Willmore
 Architects + Landscape Architects + Planners + Engineers
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



5 Illustrative Views
Presented from the East
May 19, 2014

AGENDA ITEM 4B) CIRCULATED AT MEETING

PLANNING

Project: North Sully
AD and Glass House Buildings
Drawing Title: Proposed Illustrative Views
View From South
Date: October 2012
Scale: NTS
Project No: 2109Z
Drawing No: PP-024
Revision: P

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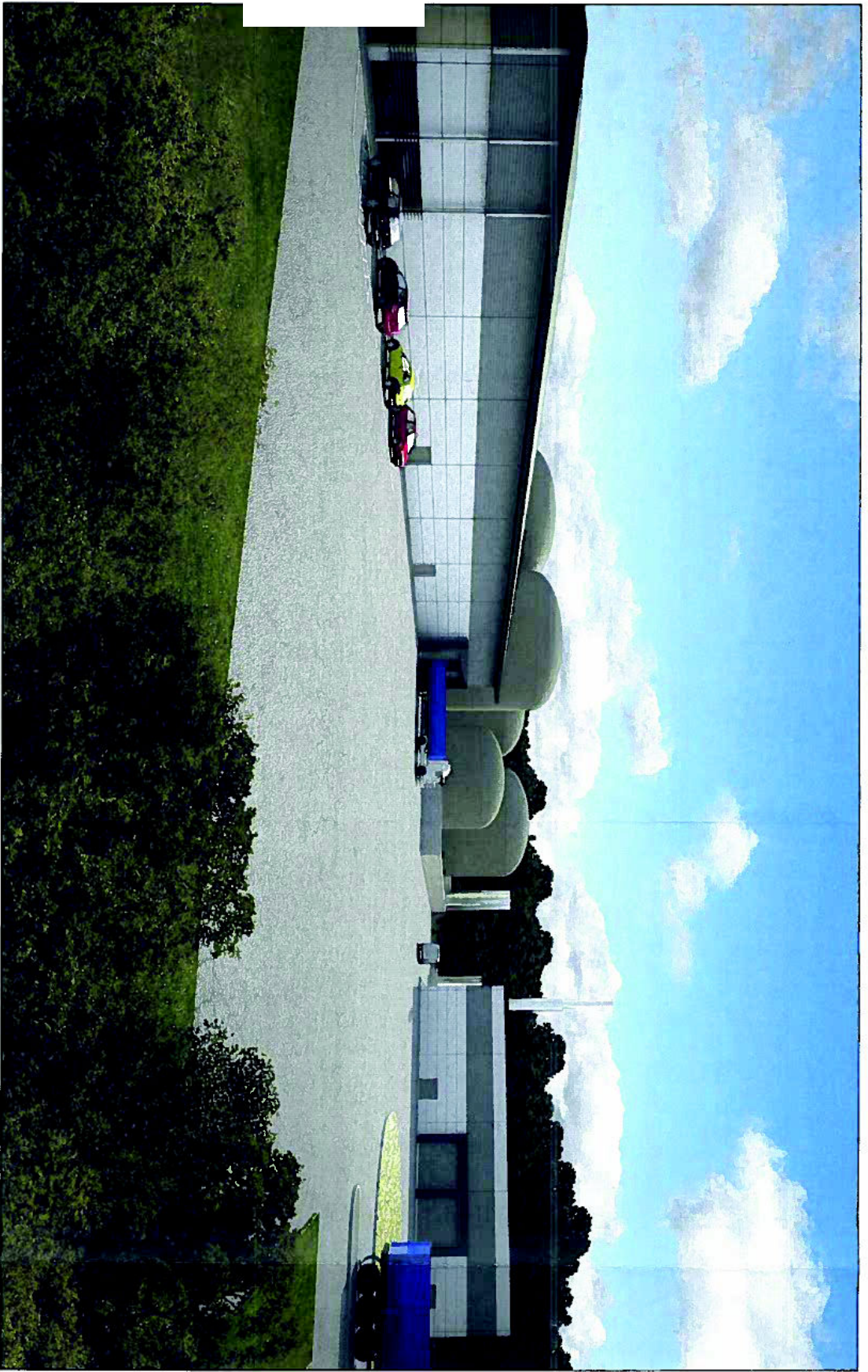
4 Illustrative Views
View of Proposed Classroom

ATTENDA ITEM 48) CIRCULATED AT MEETING

Rendered views are for illustrative purposes only. Images have been created using 3D modeling software, baseline information and topographical data. Views represent architectural intent to demonstrate the indicative development in context.

PLANNING

Project: North Selby
AD and Glasshouse Buildings
Drawing Title: Proposed Illustrative Views
View Of Glasshouse
Date: October 2012
Scale: NTS
Project No: 21092
Drawn By: RJS
Checked By: NC/NM
Revision: P



4 Illustrative Views
View of AD Buildings

PH 19 0204

AGENDA ITEM (B) CIRCULATED AT MEETING

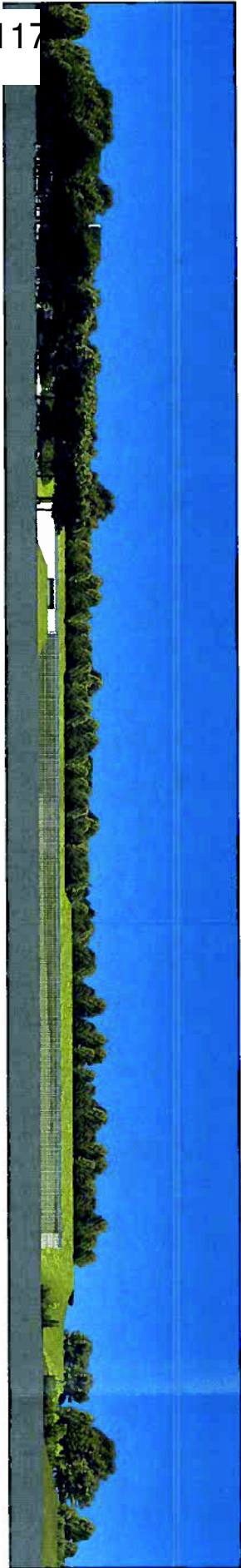
Rendered views are for illustrative purposes only. Images have been created using 3D modeling software, baseline information and topographical data. Views represent architectural intent to demonstrate the indicative development in context.

PLANNING

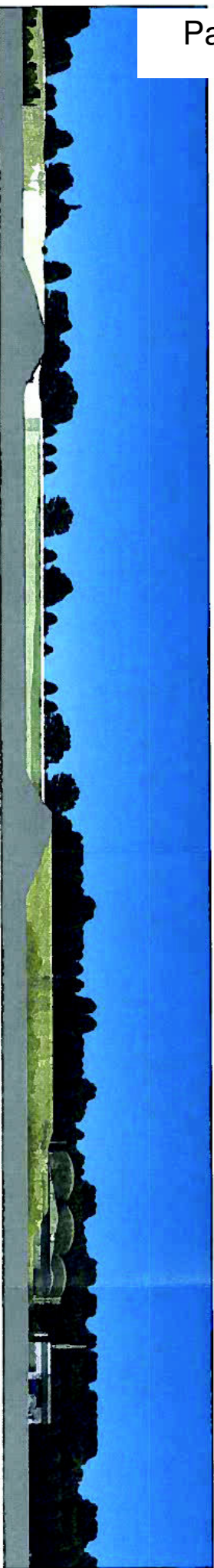
Project:
North Saby
AD and Glass House Buildings
Proposed Illustrative Views
View of AD Buildings
October 2013
Project No: 21092
Drawing No: PH-023

BARTON WILLMORE
ARCHITECTS & LANDSCAPE ARCHITECTS
10000 West 169th Street, Suite 200, Greenwood Village, CO 80111
303.751.4100
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AGENDA ITEM 4B) CIRCULATED AT MEETING



C
View to South
View to South



2
Section D-D
View to South
View to South

Standard View for Building
Section Line 3D rendering showing
building information and geographical
information to assist in the
development in context.

PLANNING

Staff Report
to the Planning Commission
on the 11/15/2017

Project Name: [illegible]
Project No: [illegible]
Staff: [illegible]
Date: [illegible]

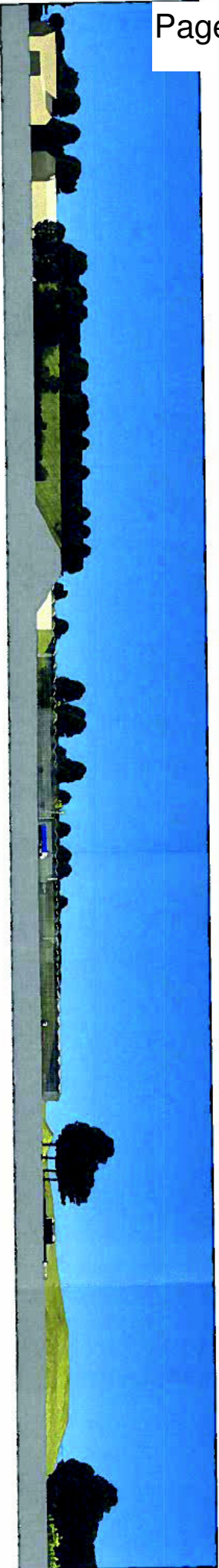
WILSON

11/15/2017

AGENDA ITEM 4B) CIRCULATED AT MEETING



MA
Approving Site Section
Not to Scale



Section B-B
Proposed Development Site Section
Not To Scale

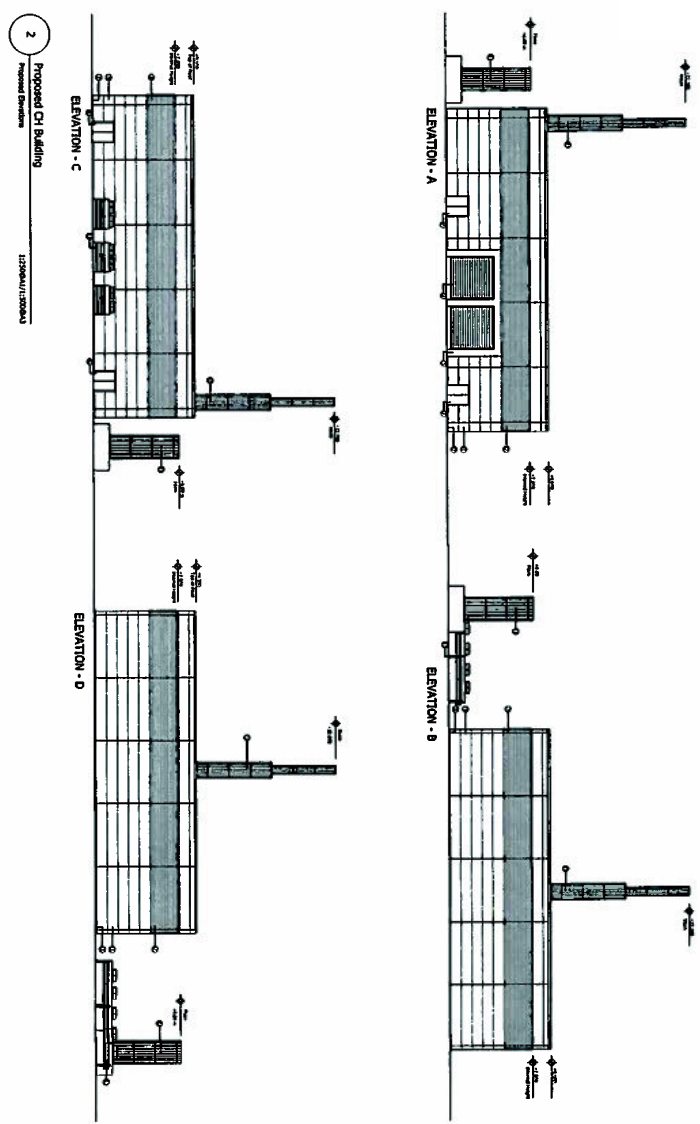
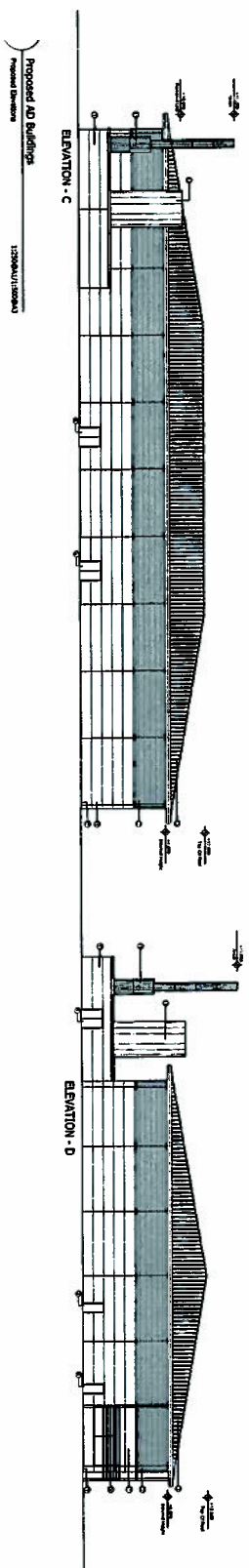
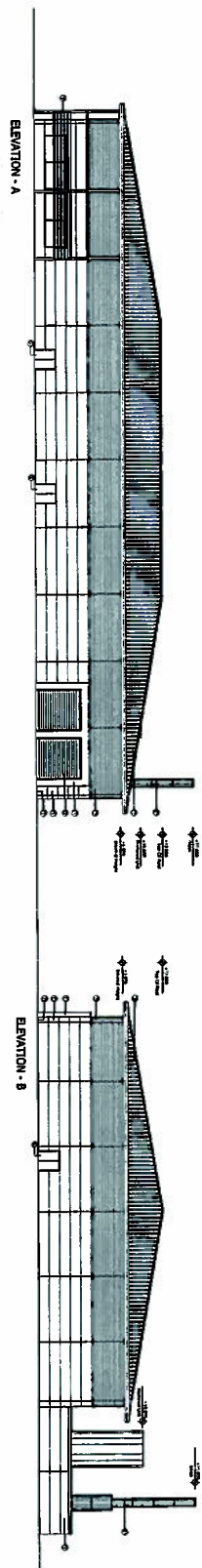
For final design, and for illustration purposes only, this rendering is not intended to be used for construction. The rendering is provided for informational purposes only and does not constitute a contract. The rendering is provided for informational purposes only and does not constitute a contract. The rendering is provided for informational purposes only and does not constitute a contract.

PLANNING

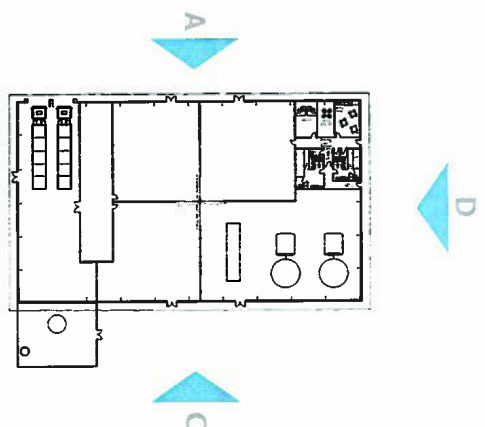
Project Name	Project Number	Project Date	Project Status
Project Name	Project Number	Project Date	Project Status
Project Name	Project Number	Project Date	Project Status
Project Name	Project Number	Project Date	Project Status



For more information, please contact the Planning Department at (714) 373-3333.



2 Proposed CH1 Buildings
Proposed Elevations
1:2500(A)/1:2500(B)



AGENDA ITEM (4B)
CIRCULATED AT
MEETING

MATERIALS KEY

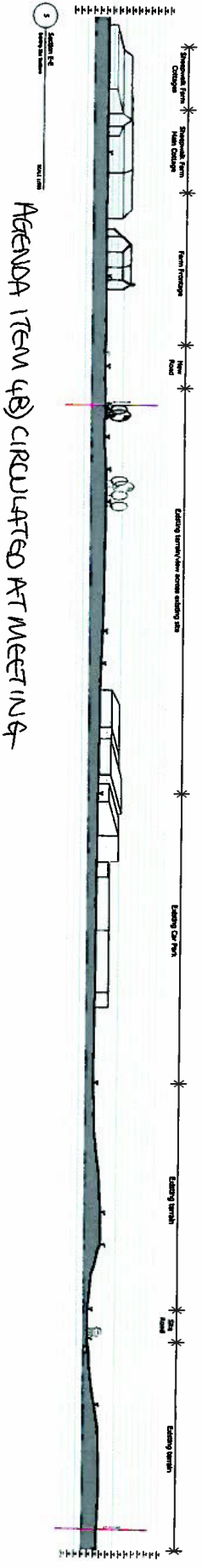
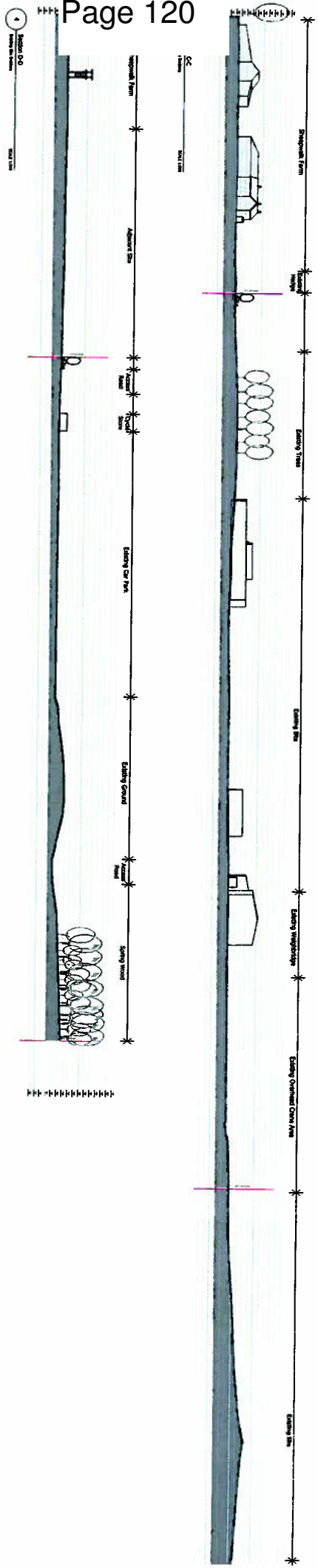
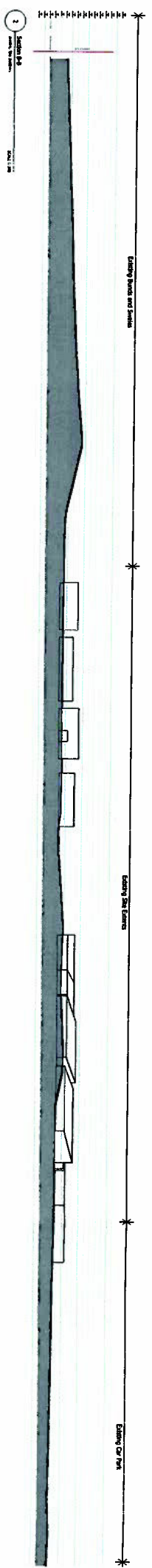
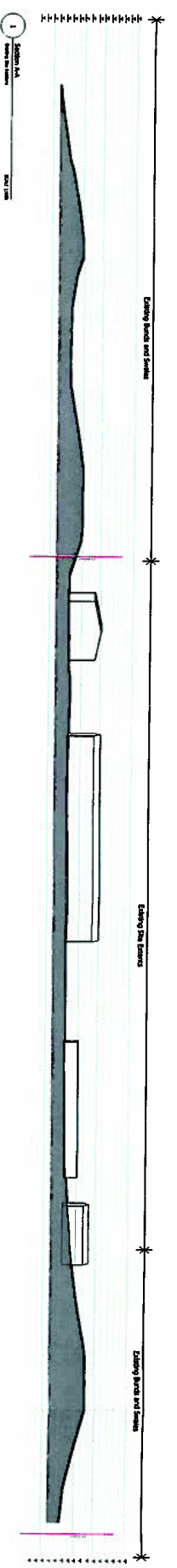
1. MAIN RECEPTION TO ADP/CH BUILDINGS IN LIGHT SYSTEM
2. UPPER ADP/CH BUILDING ELEVATION CLADDING PANEL SYSTEM IN DARK GREY PROFILED PANEL
3. ROOF CLADDING PANEL SYSTEM RESEDA GREEN OR SIMILAR
4. SERVICE DOORS AND GREY FAST FACTING WITH YELLOW WAKING OR SIMILAR
5. SERVICE DOOR SURROUNDS IN DARK GREY
6. MAIN SET OF ESCAPE DOORS IN WOOD FINISH
7. BRICK COURSEPLINTH IN DARK GREY
8. BRICK SOLI/LOUVERES IN TIMBER GREEN OR SIMILAR
9. AD TANKS FINISHED IN RESEDA GREEN OR SIMILAR
10. AD TANK FARM PERIMETER WALL IN PAIR FACED CONCRETE FINISH GREY
11. AD STACKS FINISHED IN SILVERLIGHT GREY
12. WERKSPROEJE KROEG BRICK PLINTH FINISH IN RESEDA GREEN
13. OVERHANGING AD CORNER FINISH IN SILVERLIGHT AD CORNER FINISH

INTERNAL LAYOUTS OF AD AND CH1 PROCESS BUILDINGS ARE INDICATIVE

PLANNING

Project: North Sully AD and Glasshouse Buildings
Drawing Title: Proposed AD Buildings Elevations
Date: October 2012
Scale: 1:2500(A)/1:2500(B)
Project No: P-1013
Revision: P

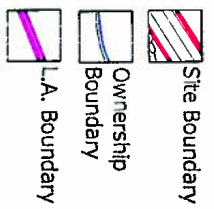
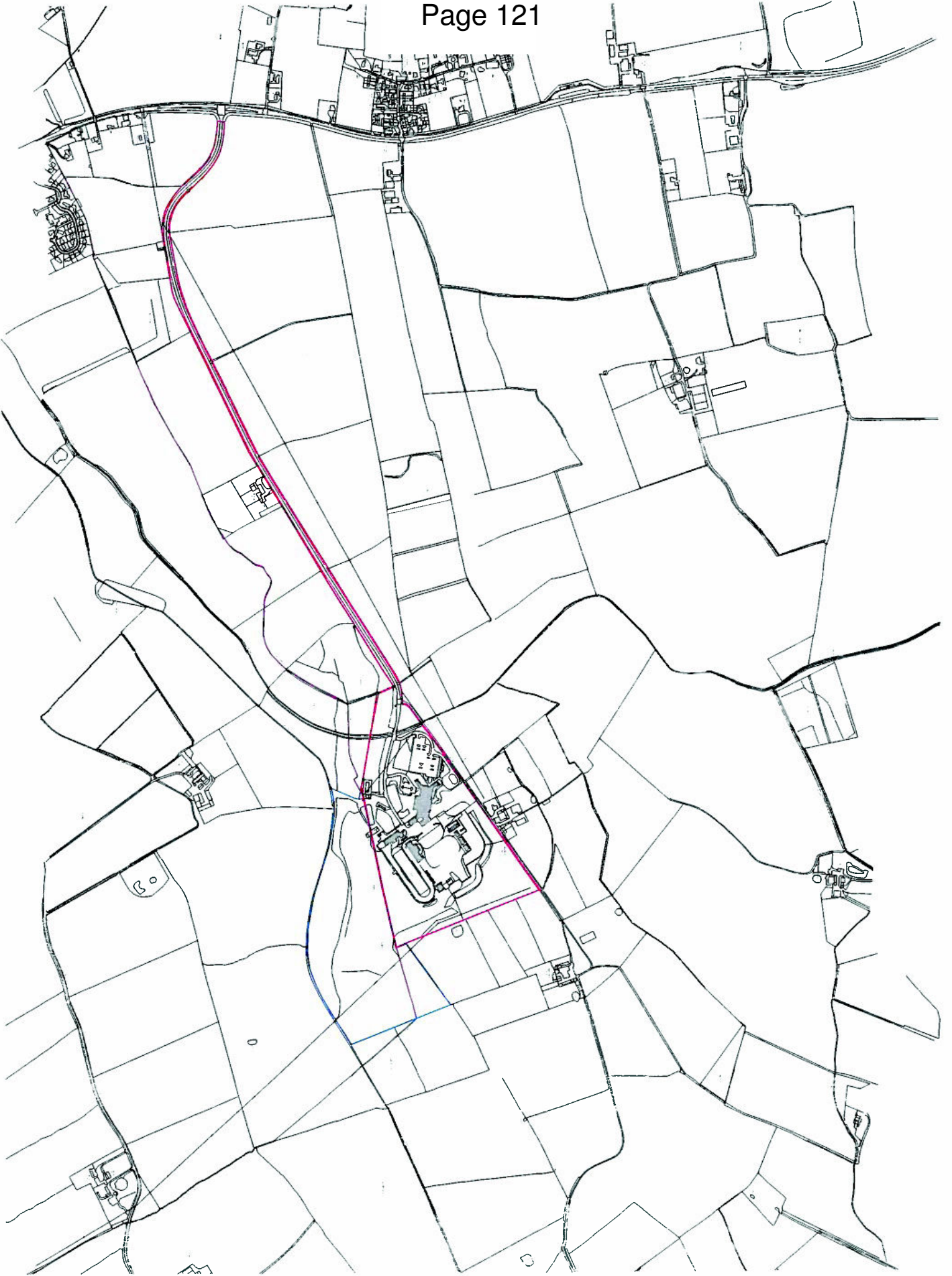




AGENDA ITEM 4B) CIRCULATED AT MEETING

PLANNING

North Side
40 and classroom buildings
Existing Site sections
A-A, B-B, C-C, D-D
October 2011
Barton Malow
1000 North 1st Street
Tampa, FL 33602
www.bartonmalow.com



RED LINE SITE
AREA:
23.3 ha

AGENDA ITEM
(B)
CIRCULATED
A-T
MEETING

NORTH
W — E

PLANNING

North Sally
AD and Glass House Buildings
Project Name
Application Site Location Plan

Date October 2012	Scale 1:5000	Drawn by NCL/DM
Revised by PP-001	Checked by PP-001	Revised P
Project No. 21092		

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WILTMORE

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 Environmental & Sustainability Assessment • Historic Conservation
 Barton Wilmore Ltd, 50 Abchurch Lane, London EC4A 3DF
 London, England • UK
 bartonwilmore.co.uk



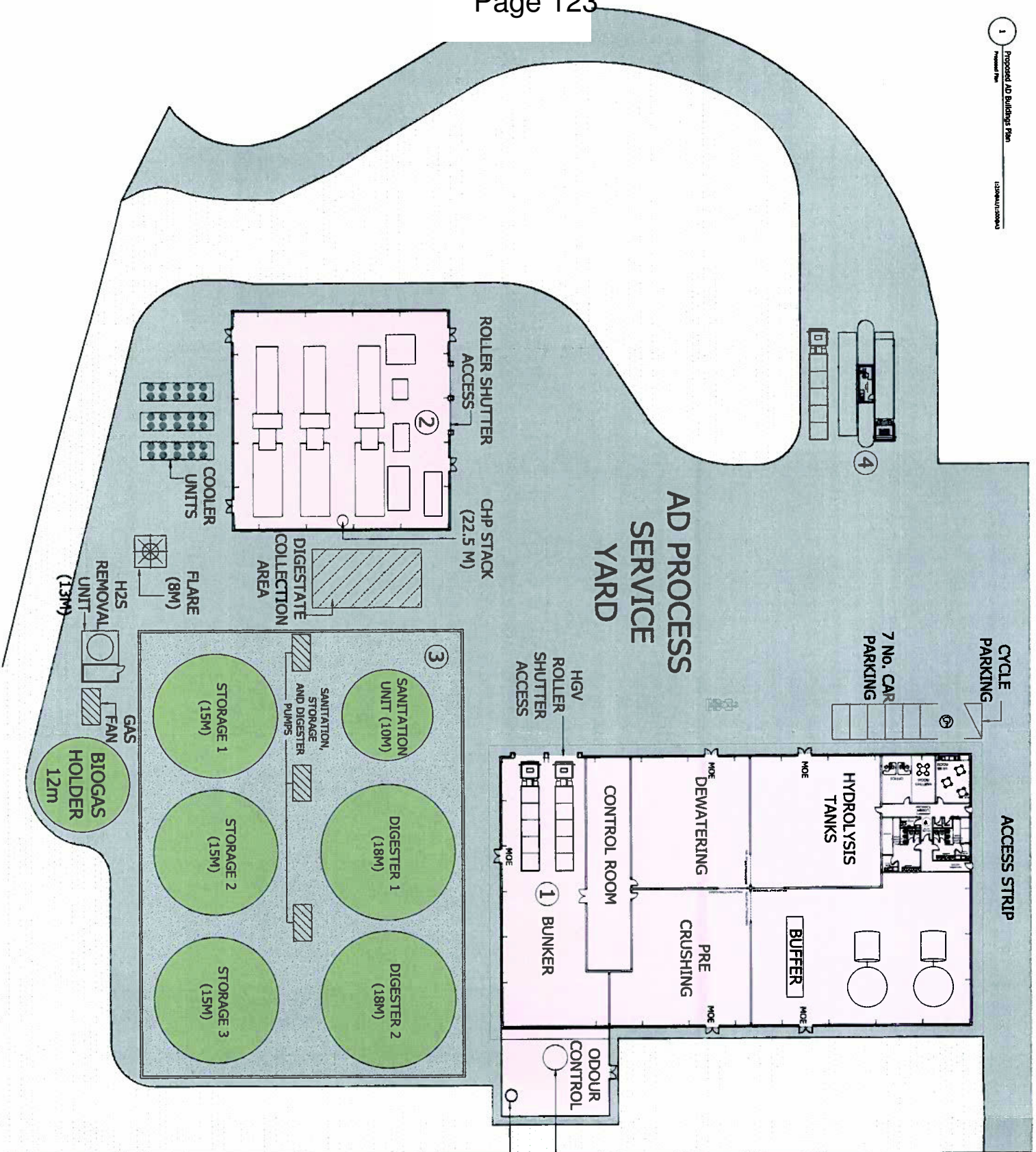
**AGENDA ITEM 4B)
 CIRCULATED AT
 MEETING**



Rendered views are for illustrative purposes only. Images have been created using 3D modelling software, base line information and topographical data. Views represent architectural intent to demonstrate the indicative development in context.

PLANNING

Project: North Selly
AD and Glasshouse Buildings
Consent: The
Proposed Illustrative Views
View from North East
Date: 21/09/12
Project No: P1-030



Key:

- 1 - Anaerobic Digestion Facility
- 2 - CHP Building
- 3 - AD Tank Farm
- 4 - Weighbridge

AGENDA ITEM 4B)
CIRCULATED AT
MEETING

REMOVAL UNIT (10M)
ODOUR CONTROL STACK (15M)

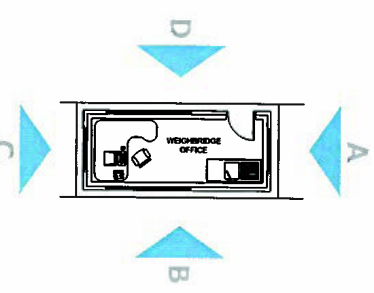
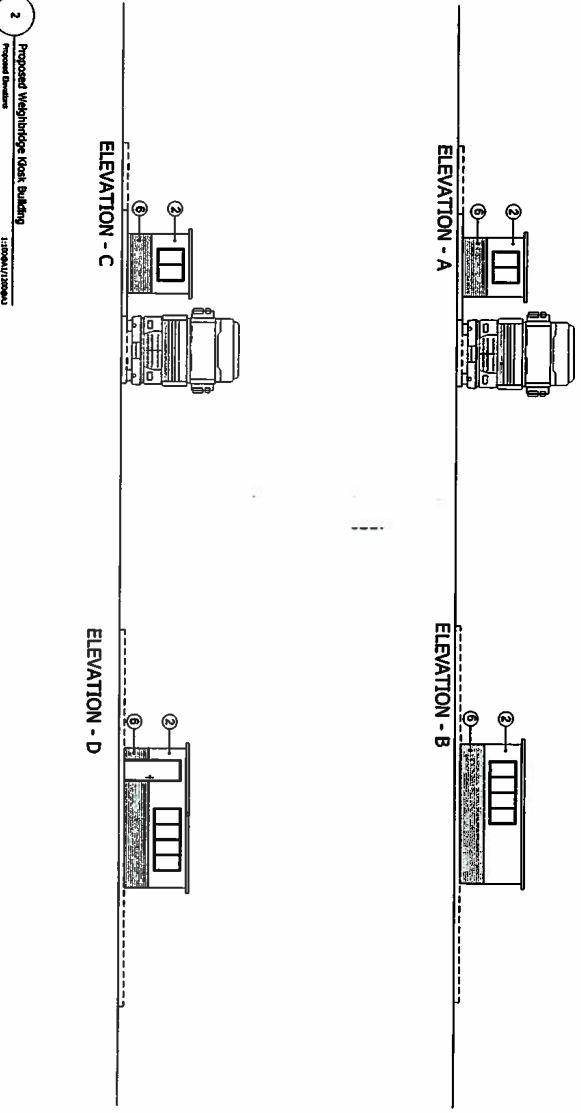
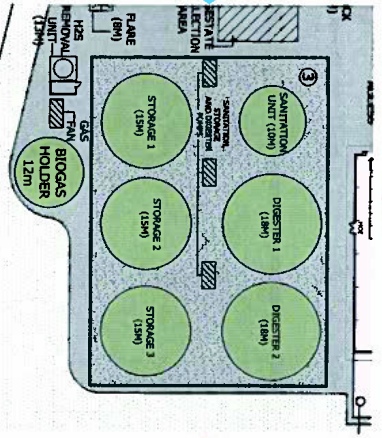
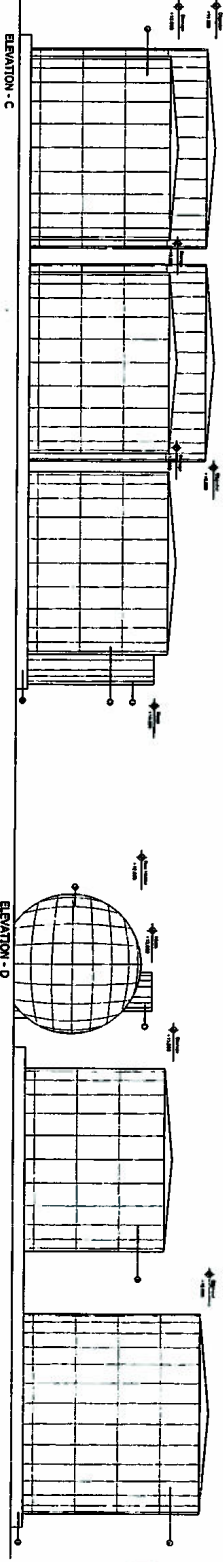
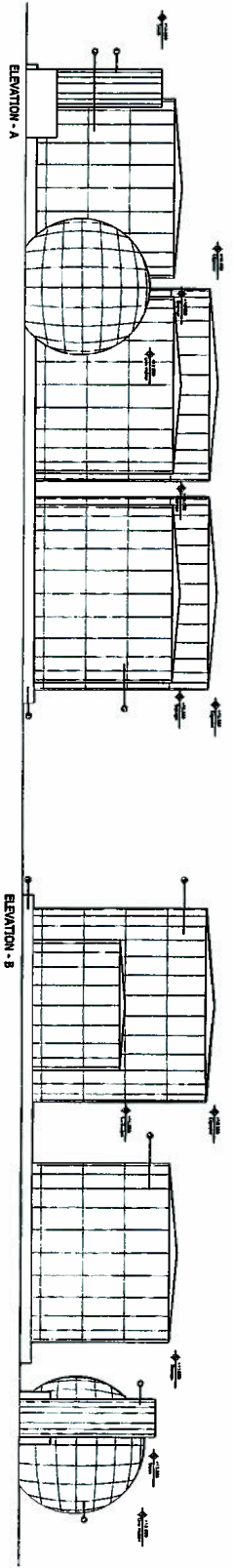
INTERNAL LAYOUTS OF AD AND CHP PROCESS BUILDINGS ARE INDICATIVE



PLANNING

Project: North Selly
AD and Glasshouse Buildings
Proposed AD Buildings Floor Plan
 Drawing No: 12/06/2012/0004
 Date: October 2012
 Project No: 21092

ARENA ITEM 4(B)
 CIRCULATED
 AT
 MEETING



- MATERIALS KEY**
1. MAIN ELEVATIONS TO ADORIC BUILDING IN LIGHT SYSTEM
 2. UPPER ADORIC BUILDING ELEVATION CLADDING SYSTEM IN DARK GREY PROFILED PANEL
 3. ROOF CLADDING PANEL SYSTEM
 4. SERVICE DOORS AND GREY FAST ACTING WITH YELLOW WARNING CHEVRONS/SKIAT
 5. SERVICE DOOR SURROUNDS IN DARK GREY
 6. MEANS OF ESCAPE DOORS IN MID GREY
 7. BRICK COURSE/PANTH IN DARK GREY
 8. BRISE SOLUBLE/LOUVERS IN TAMBER GREEN OR SIMILAR
 9. AD TANKS FINISHED IN RESEDA IN FAIR FACED CONCRETE FINISH
 10. AD TANK FARM PERIMETER WALL FINISHED IN GREY UPPER CLADDING
 11. AD STACKS FINISHED IN SILVERLIGHT GREY
 12. WEIGHBRIDGE KROOK, BRICK PLANTING PANELS IN RESEDA GREEN
 13. ALL AUXILIARY AD COMPONENTS IN GREEN/SILVER - ADVANCED FINISH

INTERNAL LAYOUTS OF AD AND CIP PROCESS BUILDINGS ARE INDICATIVE

PLANNING

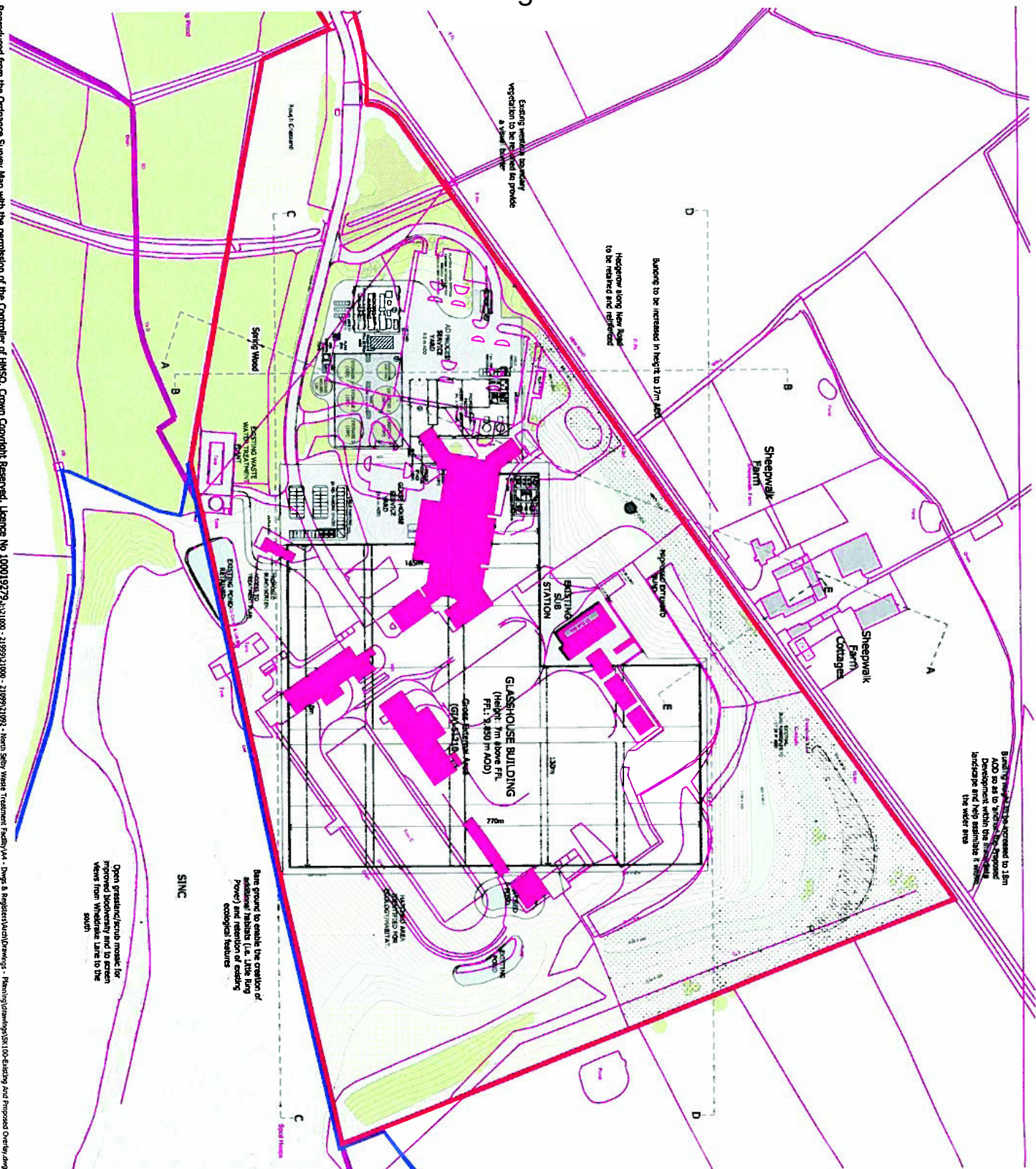
Project:
 North Sully
 AD and Greenhouse Buildings
 Proposed AD Buildings Elevations
 Date: 28 October 2012
 Drawn by: [Name]
 Checked by: [Name]
 Project No: PP-014
 Revision: P



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 www.bartonwillmore.com.au

Reproduced from the Ordnance Survey Map with the permission of the Controller of HMSO. Crown Copyright Reserved. Licence No 100019279. 31/12/09 - 21/09/2100 - 21/09/2109 - 21/09/2109 - Farm Slop West Treatment Facility - Drain & Regrav(Aerial)Downings - Planning/Dump/SX100-Channeling And Proposed Overlaying

- 43 -
Office at Redding London Road Cambridge Cardiff Exeter Edinburgh Glasgow Leeds Manchester Sheffield



The scaling of this drawing cannot be assumed

Revision _____ Date _____ Dm Cld _____

AGENDA ITEM 4B)

CIRCULATED AT

MEETING

Project
**North Selby
AD and Glass House Buildings**

Drawing Title
Existing and Proposed Overlay

Date	Scale	Drawn by	Check by
19.03.2013	1:2500@A3	CAD	RP
Project No 21092	Drawing No SK100		Revision -

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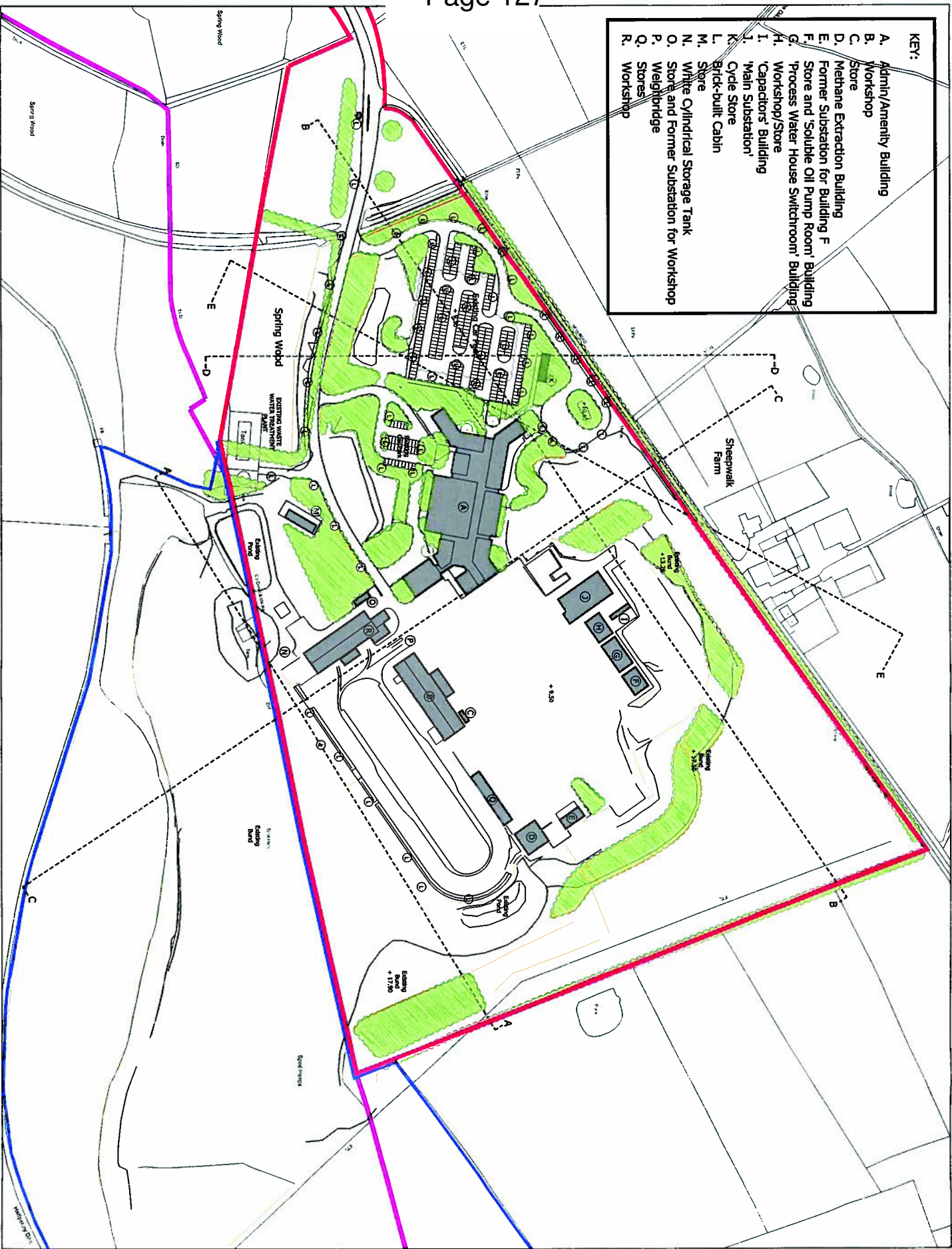
AGENDA ITEM (B)
CIRCULATED AT
MEETING

Rendered views are for illustrative purposes only. Images have been created using 3D modeling software, baseline information and topographical data. Views represent architectural intent to demonstrate the indicative development in context.

PLANNING

Project: North Selly AD and Glasshouse Buildings
Drawing Title: Proposed Illustrative Views
Issue: Proposed Aerial Plan
Date: October 2012
Project No: 21092
Scale: NTS
Drawn By: R9/SD
Checked By: MCHN
Author: P

- KEY:**
- A. Admin/Amenity Building
 - B. Workshop
 - C. Store
 - D. Methane Extraction for Building F
 - E. Former Substation for Building F
 - F. Former Substation for Building F
 - G. Store and Soluble Oil Pump Room Building
 - H. Process Water House Switchroom Building
 - I. Workshop/Store
 - J. Capacitors' Building
 - K. Main Substation
 - L. Cycle Store
 - M. Brick-built Cabin
 - N. Store
 - O. White Cylindrical Storage Tank
 - P. Store and Former Substation for Workshop
 - Q. Weighbridge
 - R. Stores
 - Workshop



The quality of this drawing cannot be assured
 without the presence of the following:
 A. Planning Application
 28.10.12 RP 162

- Site Boundary
 - Ownership Boundary
 - L.A. Boundary
 - Existing Buildings
 - Existing Vegetation
 - Existing Lighting Towers
 - Existing Fence Lines
- AGENDA ITEM (S)**
CIRCULATED
AT
MEETING

PLANNING

Project: North Selly AD and Glass House Buildings
Owner: The Glass House Group
Existing Site Layout Plan

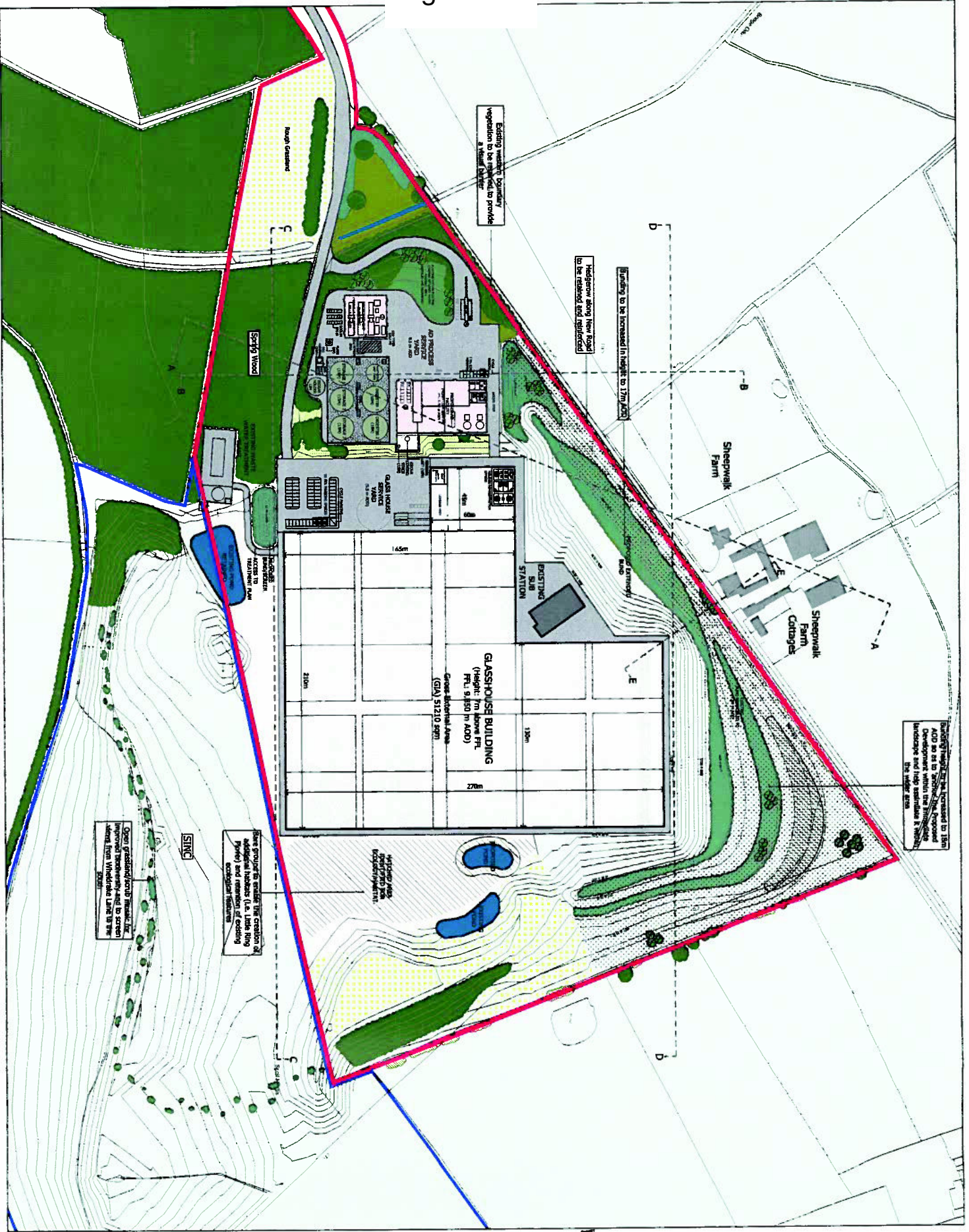
Date: 28/10/12
 Drawn by: [Name]
 Checked by: [Name]
 Project No: PP-002
 21092

BARTON WILMORE

Architects + Landscape Architects + Planning + Environmental & Sustainability Assessment + Civils + Surveyors

100, The Quadrant, London, W1 8PF
 Tel: 020 7734 7500
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The scaling of this drawing cannot be assumed
 Revision: Date: Per: Ctd
 A Planning Application 23/10/12 pp MC
 P1 Landscaping report 15/04/12 pp MC

- Site Boundary
 - Existing Planting/Vegetation
 - Proposed Extended Burd & Landscaping
- Key:
- 1 - Anaerobic Digestion Facility
 - 2 - CHP Building
 - 3 - AD Tank Farm
 - 4 - Weighbridge

AGENDA ITEM (AS)
 CIRCULATED
 AT MEETING+



PLANNING

Project: North Selly
 AD and Glasshouse Buildings
 Client: The Mesterton Plan
 Site Layout Plan
 Mesterton Layout (Proposed Site Plan)
 Date: October 2012
 Project No: 11238041/1300004 R2
 Drawing No: PP_008
 20197 P1

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 Planning & Design Services
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23/10/12 11:01:00 AM - 12/04/12 12:00:00 AM - 12/04/12 12:00:00 AM - 12/04/12 12:00:00 AM - 12/04/12 12:00:00 AM - 12/04/12 12:00:00 AM






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Aerial Plan

12/20

Approved from the Planning Authority Map with the permission of the Controller of the Council of 19/03. Council Computer Resources, Version 100, 09/03/13.

The scaling of this drawing cannot be assured
 Revision: Data: 05/12
 Planning Application: 25/10/12
 Date: 05/12
 No: 25/10/12

-  Site Boundary
 -  Ownership Boundary
 -  L.A. Boundary
- AGENDA ITEM (4B)
 CIRCULATED AT
 MEETING**

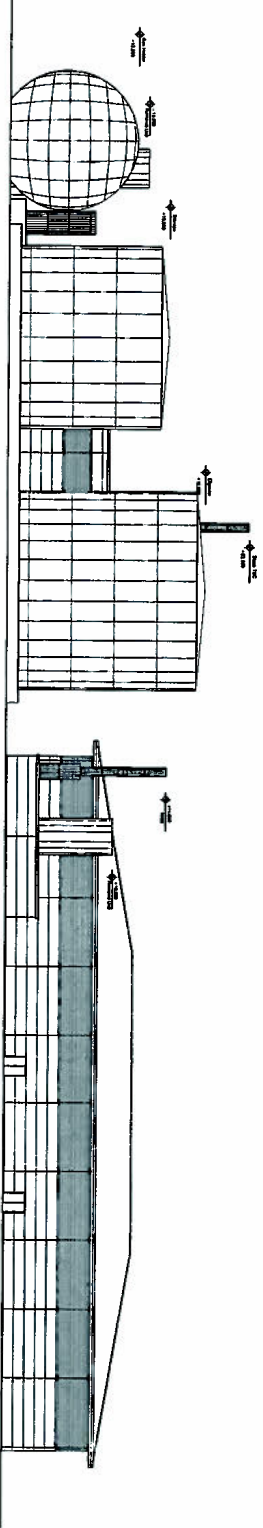
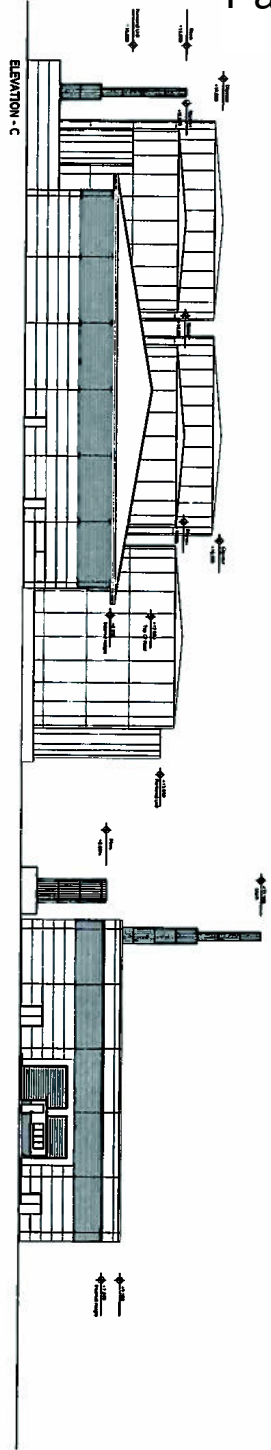
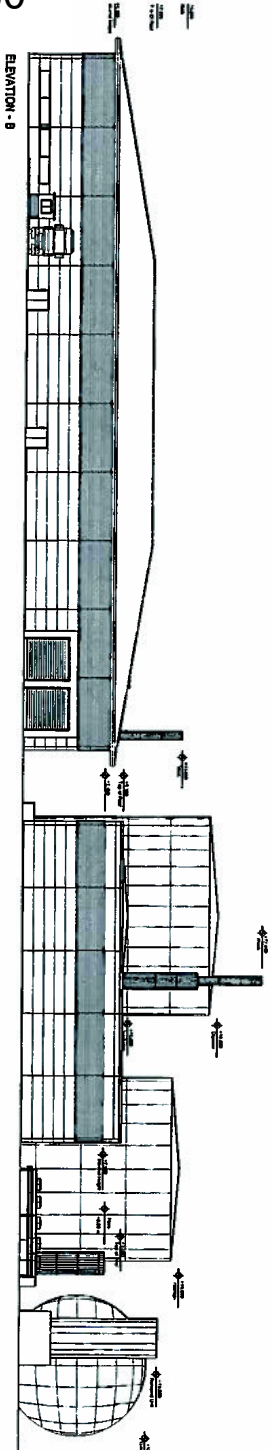
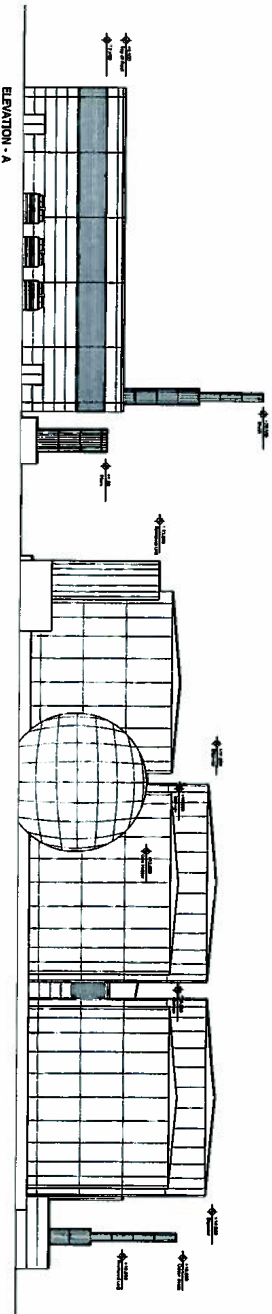


PLANNING

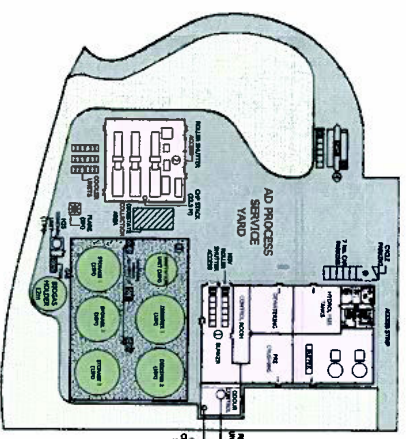
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**North Selly
 AD and Glasshouse Buildings**
 Drawing Title:
Existing Site Aerial Plan
 Date: October 2012
 Project No: 1125006A3
 Drawing No: PP-003
 Scale: 1/500
 Drawn by: NP
 Checked by: NCM
 Author: P

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 Planning & Survey
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 Telephone: 01603 252222
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 Website: www.bartonwillmore.co.uk

12/20 13/03/2013 14/03/2013 15/03/2013 16/03/2013 17/03/2013 18/03/2013 19/03/2013 20/03/2013 21/03/2013 22/03/2013 23/03/2013 24/03/2013 25/03/2013 26/03/2013 27/03/2013 28/03/2013 29/03/2013 30/03/2013 31/03/2013 01/04/2013 02/04/2013 03/04/2013 04/04/2013 05/04/2013 06/04/2013 07/04/2013 08/04/2013 09/04/2013 10/04/2013 11/04/2013 12/04/2013 13/04/2013 14/04/2013 15/04/2013 16/04/2013 17/04/2013 18/04/2013 19/04/2013 20/04/2013 21/04/2013 22/04/2013 23/04/2013 24/04/2013 25/04/2013 26/04/2013 27/04/2013 28/04/2013 29/04/2013 30/04/2013 01/05/2013 02/05/2013 03/05/2013 04/05/2013 05/05/2013 06/05/2013 07/05/2013 08/05/2013 09/05/2013 10/05/2013 11/05/2013 12/05/2013 13/05/2013 14/05/2013 15/05/2013 16/05/2013 17/05/2013 18/05/2013 19/05/2013 20/05/2013 21/05/2013 22/05/2013 23/05/2013 24/05/2013 25/05/2013 26/05/2013 27/05/2013 28/05/2013 29/05/2013 30/05/2013 31/05/2013 01/06/2013 02/06/2013 03/06/2013 04/06/2013 05/06/2013 06/06/2013 07/06/2013 08/06/2013 09/06/2013 10/06/2013 11/06/2013 12/06/2013 13/06/2013 14/06/2013 15/06/2013 16/06/2013 17/06/2013 18/06/2013 19/06/2013 20/06/2013 21/06/2013 22/06/2013 23/06/2013 24/06/2013 25/06/2013 26/06/2013 27/06/2013 28/06/2013 29/06/2013 30/06/2013 01/07/2013 02/07/2013 03/07/2013 04/07/2013 05/07/2013 06/07/2013 07/07/2013 08/07/2013 09/07/2013 10/07/2013 11/07/2013 12/07/2013 13/07/2013 14/07/2013 15/07/2013 16/07/2013 17/07/2013 18/07/2013 19/07/2013 20/07/2013 21/07/2013 22/07/2013 23/07/2013 24/07/2013 25/07/2013 26/07/2013 27/07/2013 28/07/2013 29/07/2013 30/07/2013 31/07/2013 01/08/2013 02/08/2013 03/08/2013 04/08/2013 05/08/2013 06/08/2013 07/08/2013 08/08/2013 09/08/2013 10/08/2013 11/08/2013 12/08/2013 13/08/2013 14/08/2013 15/08/2013 16/08/2013 17/08/2013 18/08/2013 19/08/2013 20/08/2013 21/08/2013 22/08/2013 23/08/2013 24/08/2013 25/08/2013 26/08/2013 27/08/2013 28/08/2013 29/08/2013 30/08/2013 31/08/2013 01/09/2013 02/09/2013 03/09/2013 04/09/2013 05/09/2013 06/09/2013 07/09/2013 08/09/2013 09/09/2013 10/09/2013 11/09/2013 12/09/2013 13/09/2013 14/09/2013 15/09/2013 16/09/2013 17/09/2013 18/09/2013 19/09/2013 20/09/2013 21/09/2013 22/09/2013 23/09/2013 24/09/2013 25/09/2013 26/09/2013 27/09/2013 28/09/2013 29/09/2013 30/09/2013 01/10/2013 02/10/2013 03/10/2013 04/10/2013 05/10/2013 06/10/2013 07/10/2013 08/10/2013 09/10/2013 10/10/2013 11/10/2013 12/10/2013 13/10/2013 14/10/2013 15/10/2013 16/10/2013 17/10/2013 18/10/2013 19/10/2013 20/10/2013 21/10/2013 22/10/2013 23/10/2013 24/10/2013 25/10/2013 26/10/2013 27/10/2013 28/10/2013 29/10/2013 30/10/2013 31/10/2013 01/11/2013 02/11/2013 03/11/2013 04/11/2013 05/11/2013 06/11/2013 07/11/2013 08/11/2013 09/11/2013 10/11/2013 11/11/2013 12/11/2013 13/11/2013 14/11/2013 15/11/2013 16/11/2013 17/11/2013 18/11/2013 19/11/2013 20/11/2013 21/11/2013 22/11/2013 23/11/2013 24/11/2013 25/11/2013 26/11/2013 27/11/2013 28/11/2013 29/11/2013 30/11/2013 01/12/2013 02/12/2013 03/12/2013 04/12/2013 05/12/2013 06/12/2013 07/12/2013 08/12/2013 09/12/2013 10/12/2013 11/12/2013 12/12/2013 13/12/2013 14/12/2013 15/12/2013 16/12/2013 17/12/2013 18/12/2013 19/12/2013 20/12/2013 21/12/2013 22/12/2013 23/12/2013 24/12/2013 25/12/2013 26/12/2013 27/12/2013 28/12/2013 29/12/2013 30/12/2013 31/12/2013



AGENDA ITEM (B) CIRCULATED AT MEETING



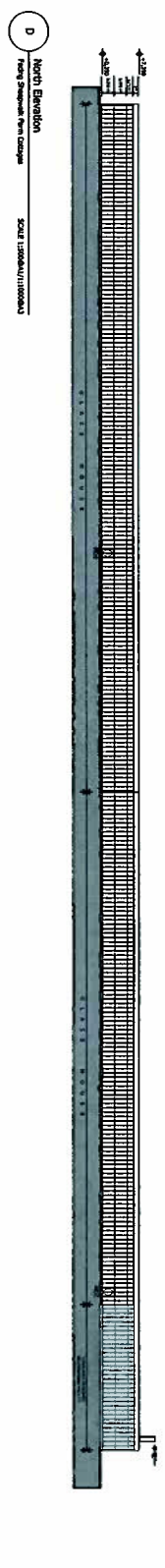
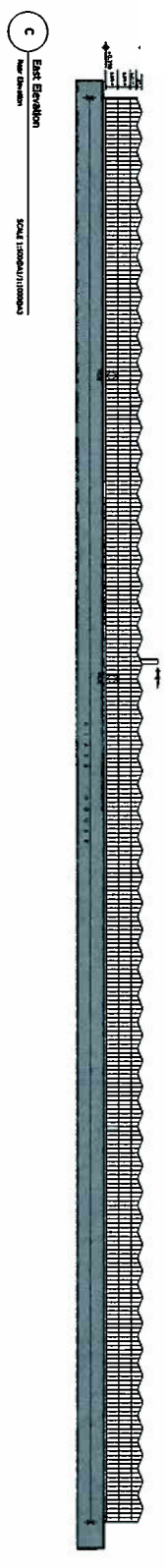
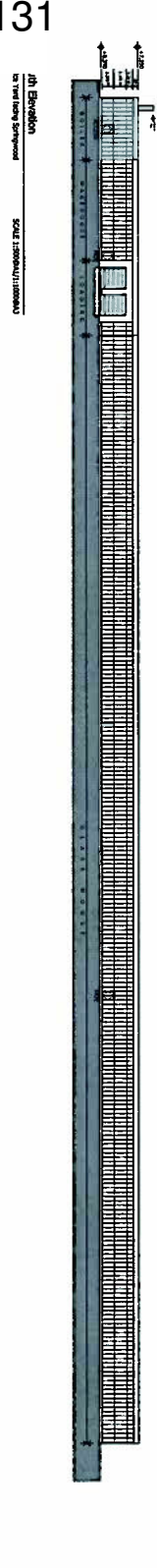
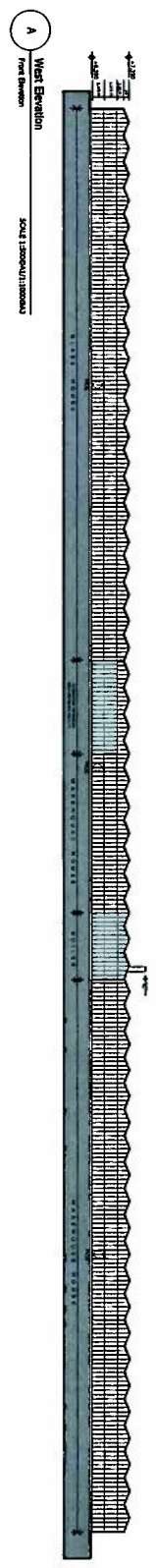
- MATERIALS KEY**
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 2. UPPER AD/CHP BUILDING, EL ELEVATION CLADDING PANEL SYSTEM IN DARK GREY/PROFILED PANEL
 3. ROOF CLADDING PANEL SYSTEM RESEDA GREEN OR SIMILAR
 4. SERVICE DOORS, MID GREY FAST FACTING WITH YELLOW PARKING OVERHANGS IN DARK GREY
 5. SERVICE DOOR SURROUNDS IN MID GREY
 6. MENIRS OF ESCAPE DOORS IN BRICK COURSE/PLINTH IN DARK GREY
 7. BRICK COURSE/PLINTH IN DARK GREY
 8. BRISE SOLI/LQUVERS IN TIMBER GREEN OR SIMILAR
 9. AD TANKS FINISHED IN RESEDA GREEN OR SIMILAR
 10. AD TANK FARM PERIMETER WALL IN FAIR FACED CONCRETE FINISH GREY
 11. AD STACKS FINISHED IN SILVER/LIGHT GREY
 12. WERKSHORPE KIOSK, BRICK PLINTH FINISHED IN GREY/FAST FACTING PANELS IN RESEDA GREEN
 13. OVERHANG/AD COMPONENTS IN OVERHANG/AD COMPONENTS IN

INTERNAL LAYOUTS OF AD AND CHP PROCESS BUILDINGS ARE INDICATIVE

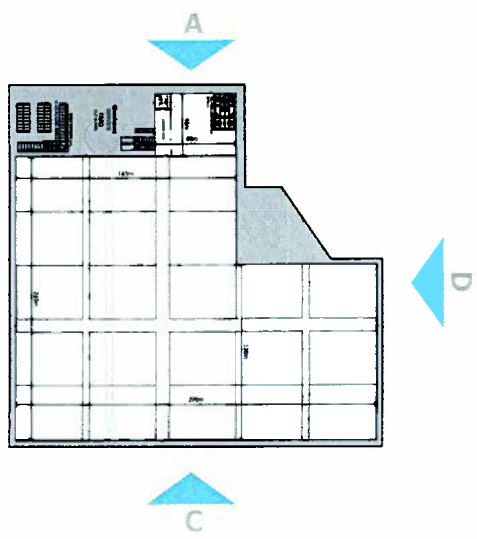
PLANNING

Project: North Selby
 AD and Glasshouse Buildings
 Overall Proposed AD Buildings Elevations - Overall
 Date: 25/01/2024
 Drawn by: NASH
 Checked by: NASH
 Project No: PP-015
 21/09/2





AGENDA ITEM 40 CIRCULATED AT MEETING



- MATERIALS**
- GLASSHOUSE ELEVATIONS:**
 GLASS TYPE:
 CLEAR.
 FRAME, TRIMS AND CAPPINGS:
 COLOUR WHITE: RAL 9010
 GUTTERS AND SOFFITS:
 COLOUR WHITE: RAL 9010
- DELIVERY DOORS:**
 SERVICE DOORS, MID GREY
 FAST ACTING WITH YELLOW
 WARNING CHEVONS/SIGNART
 SERVICE DOOR SURROUNDS IN
 DARK GREY
 COVER OVER WHELPS/ADMIN:
 PAINTED PLY WHITE RAL 9010
 COVER OVER BOLTERS:
 WHITE SMOOTH CLADDING PANEL
 SYSTEM
 BOLTER BLUE:
 LIGHT GREY SILVER

Project: North Selby
 AD and Glasshouse Buildings
 Drawing No: 21092
 Date: 21/11/12
 Scale: 1:250(A4/1:1000(A3))
 Client: BARTON WILKMORE
 Project Manager: [Name]
 Drawing No: PP-411
 Date: 21/11/12

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Planning Committee

25th April 2013

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 31st March 2013, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. For a number of recent years, until the publication of the National Planning Policy Framework in March 2012, appeals performance in York was close to (and usually better than) the national average. The Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, for periods of 1st January 2013 to 31st March 2013, for the corresponding period last year, and the full year to 31st March.

Fig 1: CYC Planning Appeals Performance

	1 st Jan to 31 st March 2012			1 st Jan to 31 st March 2013			1 st April 2012 to 31 st March 2013		
	East	West	Total	East	West	Total	East	West	Total
Allowed	2	2	4	4	2	6	19	8	27
Part Allowed	0	0	0	0	0	0	2	0	2
Dismissed	7	6	13	6	4	10	22	11	33
Total Decided	9	8	17	10	6	16	43	19	62
% Allowed	22.22	25.0	23.53	40.0	33.33	37.5	44.19	42.10	43.55
% Part allowed	0	0	0	0	0	0	4.65	0	3.23
Withdrawn	0	0	0	0	0	0	0	0	0

4

The Analysis is

table shows that between 1st January and 31st March 2013, a total of 16 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 6 were allowed. At 37.5%, the rate of appeals is higher than the 33% national annual average. By comparison, for the same period last year, 4 out of 17 appeals were allowed, i.e. 23.53%

- 5 For the full year between 1st April 2012 and 31st March 2013, CYC performance was 43.55% allowed, higher than the previously reported 12 month period of 39.60%
- 6 The summaries of appeals determined since 1st January are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, 2 appeals determined related to applications refused by Committee. Both had been recommended for approval.

Fig 2: Appeals Decided against Refusals by Committee from 1st January 2013

Cttee	Ref No	Site	Proposal	Outcome	Officer Recom.
Centre and West	12/01223/FUL	Vudu Lounge 39 Swinegate	Change of use from restaurant and bar (A3/A4) to bar (A4) retrospective	Allowed with costs	Approve
Centre and West	12/03023/FUL	Bora Bora 5 Swinegate	Extension of opening hours to 02:30 each day	Allowed/ one condition varied	Approve

- 7 The list of current appeals is attached at Annex B. There are 13 appeals lodged with the Planning Inspectorate, 5 in the West and City Centre Sub Committee area and 8 in the East Sub Committee area. 12 are proposed to be dealt with by the Written Representation process (W), and 1 by Public Inquiry (P).
- 8 The much higher percentage of appeals allowed since April 2012 raises certain issues:-
- 9 As previously reported the Council decided a proportion of the related applications prior to the publication of the National Planning Policy Framework. The presumption in favour of sustainable development in

the NPPF development (and the interpretation of sustainable development) appears to have been a significant factor in consideration of appeals. In recent months the appeals performance has improved as the use and interpretation of policy and guidance within the NPPF (by both the Council and the Planning Inspectorate) has become more consistent. The performance at 37.5% is moving back towards the previous benchmark figure of 33% allowed.

10 Inspectors have continued to highlight the need for a strong evidence base to demonstrate significant harm will result from a development before it should be refused. The NPPF states refusal is a last resort and that every effort should be made to work with developers to look for solutions to planning problems, and that Councils should look for reasons for approving development rather than reasons for refusal. Where a judgment required, for example in respect of the impact on visual amenity within the street, it appears that a more lenient approach is being adopted.

11 The main measures to be continued in response are:-

i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF Draft Local Plan Policy.

ii) Officers are ensuring that where significant planning issues are identified with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. From the applicants' perspective, an approval after 9 or 10 weeks following amendments is preferable to a refusal before 8 weeks and then a resubmission or appeal process. This approach has improved customer satisfaction and speeded up the development process overall, but has affected the Council's performance against the national target. Nevertheless, CYC planning application performance currently remains above the national performance indicators for Major, Minor and Other application categories.

ii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued

Consultation

12 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 13 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 14 Financial – There are no financial implications directly arising from the report.
- 15 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 16 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 17 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 18 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 19 That Members note the content of this report.

Reason

- 20 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Contact Details

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**Report
Approved**



Date 2nd April
2013

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

**Annex A – Summaries of Appeals Determined between 1st January
and 31st March 2013**

Annex B – Outstanding Appeals

Appeal Summaries for Cases Determined 01/01/2013 to 31/03/2013

Application No: 11/02190/FUL
Appeal by: Mr C Forbes Adam
Proposal: Demolition of existing dwelling, erection of replacement dwelling and alterations (including demolition) to domestic outbuildings to form garage, stores and ancillary domestic accommodation
Address: Brick Farm Benjy Lane Wheldrake York YO19 6BH

Decision Level: DEL
Outcome: DISMIS

The appeal application was refused under delegated powers. It related to a site located with York's Green Belt on the outskirts of Wheldrake. The site contains a former farm house, farm buildings and undeveloped land, now disused. The application proposed the replacement of the modest farmhouse with a larger dwelling house and the conversion and alteration of the adjacent former farm buildings to ancillary accommodation. The undeveloped land surrounding the farmhouse and farm buildings was proposed to be private garden. The reasons for refusal were twofold: 1. The proposal was considered to be inappropriate development as the replacement dwelling was materially larger and no very special circumstances were demonstrated to outweigh harm to the Green Belt by reason of inappropriateness and other identified harm being the scale of the property and the domestication of the semi-agricultural area; 2. Loss of bat habitat without sufficient compensation. The Inspector concurred that only the house and the small areas of land immediately associated with it (being an area to the front and a small yard to the rear) had a lawful residential use. He accepted that the site lay within York Green Belt as established by RSS. The Inspector agreed with the green belt reason for refusal, concluding that there were no very special circumstances (including building to passive house standards of energy efficiency) to outweigh the harm identified from inappropriateness and to its openness from the site's character and appearance. He did not accept the second reason for refusal, considering that the mitigation proposals were acceptable as they were recommended by an appropriately qualified specialist. The appeal was dismissed on green belt grounds.

Application No: 11/03096/LBC
Appeal by: Mr Paul Gould
Proposal: 2no. rooflights to front
Address: 22 St Pauls Square York YO24 4BD

Decision Level: DEL

Outcome: DISMIS

Mid terraced residential property part of a curved terrace of 3-storey dwellings. Existing roof currently unpunctuated, though many within the area have either one of two rooflights or dormers. Inspector agreed that the curving of the front terrace presents a strong and generally coherent vernacular period character and appearance which makes a positive contribution to the Conservation Area; and that the size and design of the two proposed rooflights would draw undue attention within the roofscape rather than being discreet. as such they would result in appreciable harm to the significance of the listed building. The harm was not outweighed by other benefits.

Application No: 12/00940/OUT
Appeal by: Mr Ryan Unsworth
Proposal: Erection of two storey dwelling
Address: Proposed Dwelling To The South Of 39 Sandringham Close Haxby York

Decision Level:

Outcome: DISMIS

Outline planning permission was sought for the erection of a 2 storey dwelling on a suburban estate. All matters were reserved except access but an illustrative site analysis plan showed a 2 storey house within the site. The application was refused because the buildings scale, proportions and location, particularly its projection behind the adjacent dwelling, would have had an unacceptable impact on the adjacent occupiers. At the appeal the councils position was that whilst layout, scale and appearance were reserved, the applicant had not demonstrated that a house of the dimensions for which consent was being sought could be built on the site without having an unacceptable impact on the adjacent occupiers. The inspector found that a 2 storey house on the site would have an overbearing effect on the adjacent occupiers. He appreciated that the siting of the building was a reserved matter, but the constraints of the site were such that there was only limited room for manoeuvre. Whilst the appellant stressed that details of the scheme would be the subject of a further submission, that did not obviate the need to establish clearly at the outline stage whether an appropriate scheme could be developed, given the constraints of the site. On the basis of the information before him the inspector was not satisfied that that could be achieved. Nor did he consider that the imposition of conditions could secure a satisfactory scheme. As usual the inspector attached little weight to the local plan, which he referred to as - that unadopted document. Kevin O'Connell 15 March 2013

Application No: 12/01223/FUL
Appeal by: Mrs Pavlou
Proposal: Change of use of upper floors of Nos. 37 and 39 from mixed use restaurant and drinking establishment (Use classes A3/A4), to drinking establishment (Use class A4) (retrospective)
Address: Vudu Lounge 39 Swinegate York YO1 8AZ

Decision Level: CMV
Outcome: ALLOW

The appeal was against 3 conditions (numbered below as per the decision notice) imposed on the application to vary the opening hours(1)The use hereby permitted shall only be open to customers between the following hours; Sunday to Thursday, 1000 - 0100, following day, Friday to Saturday, 1000 - 0300, following day.(2) Temporary planning permission is granted until 13.9.13 for opening to customers between the following hours: Sunday to Thursday, 1000 to 0200, following day. Friday to Saturday, 1000 to 0300, following day. After 13.9.13 the opening hours shall revert to those in condition 1 of this permission unless a further planning permission has been granted.(5) Bottles and glass shall not be placed into bottle bins between the hours of 24.00 hours (midnight) and 08.00 hours on any day.The Inspector contended that with these conditions, the appeal premises will continue to have permission to open well into the night time period by 2 hours Sunday to Thursday and by 4 hours Friday and Saturday, and that this indicated some degree of satisfaction on the Council's part that the use of the premises would not unduly disturb nearby residents. He found it difficult to see what additional harm would result from longer opening hours.The inspector referred to the premises licence, in December 2010, to open until 04.30 every day. Circular 11/95 indicates in para 22 that a condition which duplicates the effect of other controls will normally be unnecessary. He considered that in this case, both the planning and licensing systems appeared to have regard to residential amenity and reliance on the licensing system would not appear to be at odds with the Council's attempt to achieve planning objectives. He therefore allowed the appeal against condition 1 and 2. He also varied the wording of condition 5 to prohibit bottles and glass shall not be placed into bottle bins sited externally of the building between 8.00 and 12.00 on any day.

Application No: 12/01461/FUL
Appeal by: Mr Thackray
Proposal: Two storey rear extension (resubmission)
Address: 72 The Old Village Huntington York YO32 9RB

Decision Level: CMV
Outcome: ALLOW

The appeal related to the refusal of a part two-storey and part single-storey extension on the rear of a terraced property in Huntington conservation area. The Inspector did not consider that any dominance issues, overshadowing, or loss of light to number 74 would justify dismissal of the appeal. He felt that car parking arrangements were satisfactory and that the development would preserve the character of the conservation area.

Application No: 12/01780/ADV
Appeal by: Mr Tomas Svoboda
Proposal: Display of externally illuminated fascia sign, non illuminated hanging sign and internal window sign (retrospective)
Address: Ruby Slipper 92 Main Street Fulford York YO10 4PS

Decision Level: DEL
Outcome: DISMIS

This application sought retrospective consent for the retention of existing signage, including a new fascia with illuminated trough light fitting; window display and projecting sign. The site lies within a small parade of shops of late Victorian origin, and lies within Fulford Conservation Area. The fascia sign is of a shiny modern appearance, which is neither sympathetic to the materials of the building nor the traditional materials currently in place within the immediate vicinity of the site within the Conservation Area. Returning the plastic fascia panel around the side of the projecting bay further compounds the intrusion of the strident yellow colour and shiny finish. The large light fitting adds clutter to the visual appearance of the area. improved design. The amount and scale of the window signs and vinlys are considered to harm the appearance of the shop, undermining the function of a shop window by obstructing any views through, and causing harm to the visual amenity of the Conservation Area. The projecting sign is of modern appearance, and again incorporates modern materials and appears at odds with the traditional appearance of the Conservation Area. The inspector agreed that the extent of signage was excessively strident and of modern appearance which was out of keeping with the character of the area.

Application No: 12/01938/FUL
Appeal by: Miss Sally Cakebread
Proposal: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Address: 20 Hartoft Street York YO10 4BN

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupation HMO C4. The application site comprised of a two bed mid terrace, which proposed to alter the ground floor layout by providing one additional bedroom to the front and a shared communal living area, kitchen and bathroom facilities at the rear of the property. The application was refused because the number of existing houses in multiple occupation within 100 metres of the property already exceeded the 10 percent threshold set out in the draft SPD. The councils figures indicate that 13.1 percent of the homes within 100 metres of the property are HMOs. The Inspector acknowledged that the proposal would create just one additional occupant to the property, however dismissed the appeal on the basis of the already a high concentration of houses in multiple occupation in the locality detracted from its character and contributes to an imbalance in the make up of the local community. The Inspector also dismissed the arguments put forward by the appellant which stated that the thresholds should be set at 15 percent within a 100 metres of the property, due to the existing number of students living in this area. The inspector agreed with the council that the adopted thresholds are considered by the council to be the point at which a community can tip from balanced.

Application No: 12/01945/FUL
Appeal by: Mr Peck
Proposal: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
Address: 11 Feversham Crescent York YO31 8HQ

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for the change of use from a dwelling house to a house in multiple occupation (HMO C4). The appeal is the first to test the SPD approved in April 2012 seeking to control the concentration of houses in multiple occupation. Within 100m of the property 15 percent of homes are calculated to be HMOs. The threshold set out in the SPD is 10 percent. Policy 5.7 of the document states that changes of use from a dwelling house to a HMO will not be permitted when the numerical threshold is breached. This is because the concentration of HMOs is considered to have negative implications on, for example parking, maintenance, noise and general community cohesion. The Inspector allowed the appeal. He stated that the approach in the SPD must be applied with a degree of flexibility and pragmatism. He stated that because of its design (a large terraced property with very small front garden) and location (close to the city centre, hospital and busy Wigginton Road) the impact of the specific proposal would not be unduly harmful. He felt that the street did not appear unkempt. He noted the objections of neighbours, however, considered that the local context was such that there was no cogent evidence that the proposal would unacceptably harm the character and appearance of the surrounding area. The Inspector included a condition requiring a management plan. The decision is significant as it seems to imply that where a change of use to a HMO would breach a threshold it would not necessarily justify refusal on cross city arguments relating to the need for balanced communities. Before refusing a proposal regard should presumably be given to whether there would be any significant identifiable harm to the particular location. Clearly this creates some uncertainty in respect to the consistent interpretation of the percentage based SPD.

Application No: 12/02230/FUL
Appeal by: Individual Restaurant Company
Proposal: Replacement shop front
Address: 18 Bridge Street York YO1 6DA

Decision Level: DEL

Outcome: DISMIS

The development proposed was for a replacement shop front with bi folding glazed door system. It involved the removal of the present curved glass fronts of Art Deco style that sit on low granite stall risers which are a particular feature of the existing frontage. It is likely that they are in part modern replacements but they are specifically referred to within the 1997 listing description and they contribute to the overall architectural interest of this heritage asset. The inspector concluded the use of folding doors would result, when open, in the creation of an expanse of void which would appear ill at ease and odd within the context of the grander statement provided by the building's frontage to Bridge Street. Any commercial benefit that this might bring was not felt to outweigh the harm to the significance of this listed building, and was therefore contrary to the NPPF. The alterations were also considered to diminish the appearance and character of the conservation area, again contrary to the NPPF and also local plan polices (although limited weight was afforded to these non statutory polices).

Application No: 12/02231/LBC
Appeal by: Individual Restaurant Company
Proposal: Replacement shop front
Address: 18 Bridge Street York YO1 6DA

Decision Level: DEL

Outcome: DISMIS

This listed building consent application accompanied the planning application for the alterations, and the inspector dealt with both appeals in the same decision letter . Therefore please see the summary for the planning application 12/02230/FUL.

Application No: 12/02255/FUL
Appeal by: Mr Peter Dransfield
Proposal: Rooflight to front and 2no. dormers to rear
Address: 74 The Village Haxby York YO32 2HY

Decision Level: DEL

Outcome: DISMIS

The Planning Inspector considered that the terrace contributes very positively to the Conservation Area. This is particular the case for the street frontage. Although the Inspector acknowledged that the roof lights could be inserted under permitted development so no further reference was made to the frontage. The Inspector agreed with the Planning Authority and considered that the pair of dormers in the altered roof would look disproportionately large within the rear elevation, resulting in a cluttered, top heavy and unbalanced appearance which would be incompatible with the host building and detrimental to the Conservation area.

Application No: 12/02300/FUL
Appeal by: Sullivan Student Properties Ltd
Proposal: Change of use from a small house in multiple occupation (Use Class C4) to a large house in multiple occupation (sui generis) with two storey side and rear and single storey rear extensions and loft conversion creating 8 bedrooms (resubmission)
Address: 9 Green Dykes Lane York YO10 3HB

Decision Level: DEL

Outcome: ALLOW

Planning permission was sought for the change of use of 9 Green Dykes Lane from a small house in multiple occupation (Use Class C4) to a large house in multiple occupation with a two storey side and single storey rear extension and loft conversion creating 8 bedrooms. The site lies directly to the north of the University in an area of particular pressure in terms of houses being converted into HMOs. The property in question retained its domestic appearance with a well maintained rear garden. The proposal was to erect a substantial side and rear extension, which it was felt would substantially erode the domestic character of the site and add to the cumulative impact of the other similar conversions which have taken place in the surrounding area thereby altering its character. At the same time concern was felt that the effect of the proposed extension would be to reduce the level of on-site amenity space below an acceptable level. The application was refused accordingly and the applicant appealed.

Application No: 12/02640/FUL
Appeal by: Ruth And Nelson McConnell
Proposal: Single storey extensions to rear
Address: 15 Norfolk Street York YO23 1JY

Decision Level: DEL

Outcome: DISMIS

Permission was sought for a 4.8m long single storey infill extension to the rear of this mid-terrace dwelling along the common boundary with 17 Norfolk Street. Due to the street's incline the host dwelling is situated approx. 1.2m above No. 17. It was considered that the proposed extension, by virtue of its length, relative height and proximity to the boundary would appear as an unduly dominant and overbearing feature to the detriment of the amenity and outlook of neighbouring residents. The inspector stated that the impact on the living conditions of those using the kitchen at No. 17 would be significant as there would be a perception of being hemmed in, with the raised building height along the boundary leading to an oppressive and overbearing atmosphere. He concluded that this impact would be unacceptably harmful and un-neighbourly.

Application No: 12/02664/FUL
Appeal by: Mr & Mrs Simpson
Proposal: Use of former MOD land for the siting of 6 Yurts (Mongolian style canvas buildings with decking) for use as holiday accommodation and erection of timber reception building incorporating site office and showers together with associated access from Wheldrake Lane
Address: Moor Closes Elvington Park Elvington York

Decision Level: DEL

Outcome: DISMIS

The Inspector agreed that the proposed yurts, accommodation building and associated access road were inappropriate development in the Green Belt. The Inspector stated that the reception block would not significantly harm the openness of the Green Belt because it was replacing a building of similar size, however the 6 yurts and the timber decking around would reduce openness. It was also considered that the introduction of an access road across green fields would harm openness. The access road was considered to be more visually intrusive than the proposed yurts due to the existing landscaping around the proposed yurt site. There were no very special circumstances which overcame the presumption against inappropriate development in the Green Belt. The Inspector likened the proposed yurts to static caravans due to their level of permanence. The Inspector acknowledged that such developments and uses were discouraged under Policy V5 of the Development Control Local Plan. The Inspector agreed with the Council about concerns that this development would be reliant on the private car due to the sites isolation from the settlement limit of Elvington and the long and difficult access arrangements from the site. 'The long and tortuous route to the village facilities via the proposed access would not encourage walking and the likelihood is that virtually all trips would be undertaken by car. The length of the proposed access would also conflict with criterion e) of Policy V5, which requires sites to be readily accessible by public transport.' It was stated that the nature of the access would discourage integration with the village. The appeal was dismissed.

Application No: 12/03023/FUL
Appeal by: Mr Bora Akgul
Proposal: Variation of condition 3 of planning permission
12/01249/FUL to extend opening hours until 02:30 every day
Address: Bora Bora 5 Swinegate Court East Grape Lane York YO1
8AJ
Decision Level: COMM
Outcome: ALLOW

see L Drive for Cost decisionSummaryAppeal related to the operating hours of Bora Bora, which is located in Swinegate Court East. The premises wished to operate until 03.00, rather than midnight, as imposed by the Planning Committee. The site had a premises licence which allowed them to trade until 03.00 which imposed conditions in the interests of residential amenity (such as no amplified music audible outside the site). Ten complaints had been received by Environmental Protection Unit regarding Bora Bora & Lucia's (which is next adjacent) since they began trading after midnight. However E P U advised none of the complaints were justified (i.e. E P U did not observe a statutory nuisance) and did not object to the planning application. The inspector considered that as the appeal site is in an area with a high concentration of late night drinking establishments, a number of which are unencumbered by planning conditions regulating their opening hours; they are regulated solely by the licensing regime. In such a situation, the imposition of planning conditions to control the opening hours of some, but not all, of these premises would appear to be of limited effectiveness. The inspector granted costs to the appellants. The decision confirms that decisions/use of conditions must be backed by demonstrable evidence that they are relevant and necessary. In this case there is already late night activity due to existing bars. It is not adequate to apply the logic that more bars = more disturbance - this must be backed by clear evidence!

Application No: 12/03138/FUL
Appeal by: Mr P Brown
Proposal: Single storey rear extension with replacement attached garage to side (resubmission)
Address: 29 Sandringham Close Haxby York YO32 3GL

Decision Level: CMV
Outcome: ALLOW

The previous application was refused at committee, against officer recommendation, and the subsequent appeal dismissed. The Inspector considered the side extension would over-dominate the neighbouring property and result in loss of light. This revised application sought to address the reasons for refusal, by introducing a hip roof design instead of a gable, reducing the eaves height, and setting the extension away from the shared boundary by 500mm. The revised application was also refused at committee, against officer recommendation, on the grounds of loss of light and over-domination. At appeal the Inspector cited the three salient revisions set out above, and considered they were sufficient to allow the appeal.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Erik Matthews						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/11/2012	12/00066/NON	APP/02741/A/12/2187812	W	The Market Garden Eastfield Lane Dunnington	Agricultural building	
Officer: Fiona Mackay						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
15/10/2012	12/00059/REF	APP/C2741/E/12/2184740	W	Railway Station Road York	Replace existing advertising posters with 2 no. digital advertising units in the outer concourse	
14/01/2013	13/00004/REF	APP/C2741/H/13/2189963	W	Multyork Furniture Ltd 15 Piccadilly York YO1 9PB	Display of internally illuminated fascia sign and externally illuminated hanging sign	
Officer: Kevin O'Connell						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation	
Officer: Matthew Parkinson						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice	
01/10/2012	12/00061/EN	APP/C2741/C/12/2184900	W	18 Feversham Crescent York YO31 8HQ	Appeal against Enforcement Notice dated 31 August 2012	
28/02/2013	13/00008/EN	APP/C2741/C/13/2193156	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice Dormer to rear see 13/00007/EN	
25/02/2013	13/00007/EN	APP/C2741/C/13/2193157	W	Flat C 2 Marlborough Grove York YO10 4AY	Appeal against Enforcement Notice dated 15 January 2013	

Officer:	Neil Massey					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
11/02/2013	13/00006/REF	APP/C2741/A/13/2191992	W	224 Melrosegate York YO10 3SW	Change of use from dwelling house (Use Class C3) to 7 bedroom house in multiple occupation		
Officer:	Rachel Tyas					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
05/02/2013	13/00005/CON	APP/C2741/A/13/2192153	W	Lucia Bar And Grill 9 - 13 Swinegate Court East	Change of use to mixed use ground floor restaurant and first floor bar (retrospective)		
Officer:	Tim Goodall					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
15/03/2013	13/00009/EN	APP/C2741/C/13/2194657	W	87 Newland Park Drive York YO10 3HR	Appeal against Enforcement Notice dated 6 February 2013		
Officer:	Victoria Bell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
21/01/2013	13/00003/NON	APP/C2741/A/13/2190980	W	Holly Corner 52 North Lane Haxby York YO32 3JP	Erection of 3no. two-storey houses		
Total number of appeals:							13